



PUBLIC RECORDS REQUEST GUIDELINES

These Guidelines are intended to assist the public in making requests and receiving timely responses under the California Public Records Act (Gov. Code § 6250, et seq.) (CPRA). The manner in which SANDAG records are maintained is set forth in Board Policy No. 015, Records Management.

I. DEFINITIONS

- A.** "Public Record," as defined by the CPRA, means "any writing containing information relating to the conduct of the public's business that is prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." See the definition of "Writing" below for more information.
- B.** "SANDAG business record" means a writing that is prepared, owned, used, or retained by the agency because it contains information related to SANDAG business.
- C.** "Writing" includes, but is not limited to, handwriting, printing, photographing, photocopying, scanning, transmitting by electronic mail or text message (including symbols and emoticons), and every other means of recording information. It also includes any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record created, regardless of the manner in which the record has been stored.

II. GENERAL

Consistent with SANDAG Board Policy No. 015, responses to records requests shall be fully compliant with the CPRA and all other applicable laws. Except for records exempt from disclosure by law, records responsive to a request that reasonably describes identifiable SANDAG business records shall be made available to the requesting party.

III. PROCEDURE

A. Requesting Copies of SANDAG Business Records

All requests for copies of SANDAG business records should be addressed to the SANDAG Office of General Counsel and may be made by email or in writing.

Requests must be focused and sufficiently clear so that SANDAG staff can reasonably identify the record or records that are being sought. If SANDAG receives a request that does not sufficiently describe an identifiable record, SANDAG will contact the requesting party and attempt to assist the requester in making a focused and effective request that will result in disclosable records. Reasonable restrictions may be imposed upon general requests for voluminous classes of documents.

Records that are exempt from disclosure under the CPRA or other applicable law will be redacted or withheld pursuant to the CPRA. The reasonably segregable portion of the record shall be made available after deletion or redaction of the portions that are exempted by law and a copy shall be provided unless it is impracticable to do so. Copies of disclosable records will be provided by the Office of General Counsel with the assistance of the SANDAG Public Information Office as applicable within the timelines in Subsection C below. If a delay occurs, the requester will be notified of the reasons and offered the ability to inspect any portion of the record that is available.

B. Requests for Access to Inspect Specific Files

SANDAG business records are open to inspection at all times during SANDAG office hours and every person has a right to inspect any disclosable record. To permit sufficient time for SANDAG to collect the records for review, it is recommended that the requester describe the records with sufficient specificity ahead of time to enable SANDAG to identify the records sought and schedule an appointment with SANDAG staff to view the records.

SANDAG staff will be available to assist the requester during the inspection and will be present during the review to ensure that no records are removed or altered. If the requester asks for photocopies of records, SANDAG staff will arrange for payment by the requester in advance of the copies being made and will promptly make requested copies available to either be picked up at the SANDAG offices or mailed.

C. Response Time

SANDAG shall determine within ten calendar days from receipt of the request if the request, in whole or in part, seeks copies of disclosable records in the possession of SANDAG. If additional time is needed pursuant to the CPRA, SANDAG will provide an estimated date and time when the records may be made available.

If responsive records exist but will not be produced because they are exempt under the law, SANDAG will notify the requester of the reason(s) for that decision. SANDAG will assist members of the public in identifying records and will provide suggestions, if any, for overcoming any practical basis for denying access to the records sought.

When SANDAG receives a records request, a reference number is assigned. Notifications regarding a request will include the reference number, which should be used in any further correspondence relating to the request.

IV. FEES

A. Duplication

When applicable, records will be provided electronically through email or via WeTransfer, the SANDAG file-sharing service. If hard copies are requested, there may be a charge to cover the direct costs associated with duplication.

There is no charge for photocopies or printouts totaling less than ten pages or for records that have been pre-prepared by SANDAG for public distribution. For ten or more pages, the printing and photocopying fee currently is 15 cents per page. If the record is larger than 8 ½ inches by 14 inches, then SANDAG will determine the direct cost of duplicating that record regardless of the quantity of pages. SANDAG will provide an invoice for any charges due, including the direct cost to mail documents if the requester chooses not to pick them up at the SANDAG offices. These charges are due and payable upon receipt of the invoice and must be paid prior to duplication.

B. Electronic Media

If the requester seeks production of the records on a flash drive or other storage medium, SANDAG will provide an invoice for any charges due, including the direct costs of the flash drive or other storage medium and for the direct cost of mailing if the requester chooses not to pick it up at the SANDAG offices. These charges are due and payable upon receipt of the invoice and must be paid prior to production of the records.

C. Data Compilation or Extraction

A request to SANDAG for information that requires data compilation, extraction, or programming to produce the record is not a request for an existing identifiable record, and therefore is not required to be produced under the CPRA. If SANDAG determines in its sole discretion that it will produce such a record through the performance of additional work, the requester shall bear the full direct costs associated with generating the record, including any staff or consultant time. SANDAG will provide an invoice for any charges due. These charges are due and payable upon receipt of the invoice and must be paid prior to duplication.

May 2018