

GUIDELINES FOR ACCESS TO STATE PERSONNEL BOARD PUBLIC RECORDS

August 2014

Public records maintained by the California State Personnel Board (“SPB”) will be available for inspection by members of the public pursuant to the following procedures:

Direct Your Request to the Office of the Chief Counsel

Because many of the records maintained by the SPB contain confidential employee information, most requests for inspection and copying of public records will require review by the Office of the Chief Counsel before records may be released. Requests should be directed to the Legal Office for docketing and referral to the office that created and has ownership responsibility for the desired records. Requests for specific appeals files may be directed to the SPB Appeals Division.

The Office of the Chief Counsel may be reached by telephone at (916) 653-1403, by email at publicrecords@spb.ca.gov and by U.S. Mail at the California State Personnel Board, Office of the Chief Counsel, 801 Capitol Mall, Sacramento, CA 95814.

Written Requests Encouraged

SPB encourages, but does not require, that requests for inspection or copying of most records be made in writing. Written requests help the SPB respond to the request and correctly identify the records requested. Denials of written requests will be provided in writing. When requests are made orally, SPB staff may confirm the request in writing to ensure the request has been understood correctly.

Records Defined

“Records” include any writing owned, used or maintained by the SPB in the conduct of its official business. Writings include information recorded or stored on paper, electronic media, or audio or visual tapes.

Identifying Records

In order to enable the SPB to respond promptly to public records requests, requestors should provide specific information about the records they seek. Requests for appeals files in specific cases should include the name of the appellant or complainant and case number, if known. When a record cannot be identified by name or case number, the

requestor should attempt to be as specific as possible in describing the record, based on its content, and date or approximate date of creation if possible. If known, requestors should indicate the division of the SPB that created and maintains the records. Where a request is not sufficiently specific, Board staff will assist the requester to identify the requested information, describe how the records are maintained or their physical location of the record, and provide suggestions of how to overcome practical barriers to disclosure.

Inspection of Public Records

Public records maintained by the SPB shall be available for inspection during the Board's regular business hours. Members of the public are not required to give notice in order to inspect public records at SPB offices during normal working hours. However, because many of the SPB's records, including all appeals files, require the retrieval, review and redaction of exempt information before they can be disclosed to the public, a mutually agreeable time should be established for inspection of records. Some records, such as Statements of Economic Interests (Form 700), Public Records Guidelines, and SPB publications usually can be provided without delay. Requests for other records may take more time because the records must be located, reviewed for exempt information and copied. The SPB makes numerous publications freely available on its web site: www.spb.ca.gov.

Inspections of records must not interfere with the ordinary business operations of the Board. The operational functions of the Board will not be suspended to permit inspection of records during periods in which such records are reasonably required by Board personnel in the performance of their duties.

In order to prevent records from being lost, damaged or destroyed during an inspection, SPB employees may determine the location of, and may monitor, the inspection.

Process for Requesting Copies of Records

Record requests may be made by utilizing the Records Request Form available on the State Personnel website at:

http://www.spb.ca.gov/content/appeals/SPB301_Records_Request_Form.pdf

When a copy of a record is requested, and the record cannot be produced immediately, the SPB will determine within 10 days after receipt of the request whether to comply with the request, and shall promptly inform the requestor of its decision and the reasons for its decision. The initial 10-day period may be extended for up to an additional 14 days if SPB staff need to:

- a. Communicate with field offices.
- b. Inspect voluminous records.
- c. Consult with other divisions or agencies.
- d. Engage in computer programming, data compilation, or extraction to produce the record.

Whenever possible, the SPB will provide records at the time the determination is made to disclose them. If immediate disclosure is not possible, the SPB will provide an estimated date when the records will be available, and will provide the records within a reasonable period of time.

Copy Fees

The SPB may charge the direct cost of duplication when it provides copies of records to the public as follows:

Paper copies: \$0.10 per page (for 8-1/2 x 11 pages; additional charges may apply for oversized documents, including exhibits)

Audio compact disks: \$5.00

Computer disks: \$5.00

The direct cost of duplication includes the pro rata expense of the duplicating equipment and the staff (salary and benefits) required to make a copy of the record. Direct cost of duplication does not include the staff person's time in researching, retrieving, redacting and mailing the record. When the SPB must compile electronic data, extract information from an electronic record, or undertake computer programming to satisfy a request, the SPB may require the requestor to bear the full costs, not just the direct cost of duplication.

Exemptions

The SPB will provide access to all public records upon request unless the law provides an exemption from mandatory disclosure. Examples of records exempt from mandatory disclosure under the California Public Records Act include: certain personnel records, investigative records, drafts, confidential legal advice, records prepared in connection with litigation, and information that may be kept confidential pursuant to other state or federal statutes (such as employee home addresses, telephone numbers, and social security numbers). The SPB may be able to remove or redact exempt information from a record, and then may disclose the non-exempt remainder of the record.

Peace Officer Personnel Records

Pursuant to the decision of the California Supreme Court in *The Copley Press, Inc. v. The Superior Court of San Diego County* (2006) 39 Cal.4th 1272, all records pertaining to the employment of peace officers, including all records concerning disciplinary actions taken against peace officers filed with the SPB, are exempt from public disclosure. Peace officer records will only be provided to the employee to whom they pertain, that employee's designated representative, and to the employing department.

Identification of Requestors

SPB personnel shall not demand that persons requesting to inspect records provide identification or their reasons for wanting to inspect records, except where peace officer personnel records are requested. Obviously, if the requestor chooses to have the records mailed or otherwise transmitted to him or her, the requestor will have to provide information necessary to transmit the records. Persons wishing to enter secured parts of SPB offices must comply with the SPB's security protocol, including providing identification.

Relevant Statutes

California Constitution, Article I, Section 3, subdivision (b) and the California Public Records Act (Government Code sections 6250-6276.48) govern access to public records of California state and local government agencies. Access to public records pertaining to peace officers is also subject to Penal Code sections 832.7 and 832.8.

Additional Information

A copy of these guidelines shall be posted in a conspicuous public place at the offices of the SPB. A copy shall be made available free of charge upon request by any member of the public.

An informational sheet briefly outlining the Record Request Process can be found on the State Personnel Board website at:

http://www.spb.ca.gov/laws/SPB_Records_Request_Info_Sheet.pdf