



Administrative Procedure

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Effective:	7/3/89
Supercedes:	
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Subject: PUBLIC RECORDS

1.0. PURPOSE:

To establish the policy and procedure governing compliance of the campus with all regulations related to the maintenance of public records.

2.0. ORGANIZATIONS AFFECTED:

Campuswide.

3.0. REFERENCES:

- 3.1. Government Code, Section 6250 et. seq., Subject: The California Public Records Act.
- 3.2. Government Code, Section 11120 et. seq., Subject: The California Open Meeting Act.
- 3.3. Office of the Chancellor memoranda:
 - 3.3.1. EVC 78-04, Subject: Information Practices
 - 3.3.2. FSA 78-68, Subject: Public Records Act--Personal Information.
 - 3.3.3. Memoranda from Vice Chancellor, Administration to Campus Information Practices Officers transmitting Revisions to the Guidelines to the Information Practices Act, July 18, 1984 and December 9, 1987 and January 26, 1988
- 3.4. State Administrative Manual (SAM), Section 1639, Privacy & Disclosure.
- 3.5. Cal State L. A. Administrative Procedures:
 - Number 011, Subject: Student Records Administration;
 - Number 014, Subject: Requests for Legal Opinions;
 - Number 023, Subject: Information Practices;
 - Number 027, Subject: Media Relations;
 - Number 302, Subject: Personnel Files;

Approved:

Date:

4.0. POLICY:

Public records maintained by the University are open to inspection during University office hours and every citizen has a right to inspect any public record which does not come within an exempted category. An exact copy of the public record shall be provided within ten (10) working days unless impractical to do so following receipt of the request and payment of the fee for copies. Fee shall not exceed the actual cost of providing the copy. In unusual circumstances, this time limit may be extended up to ten working days as required for proper processing of the request.

The information that may be released in response to requests for employment verification is shown in Section 7.4. below. The Government Code states that employment contracts, including appointment letters, are public records. In disclosing appointment letters, all personal items such as home address, social security number, or any information that identifies or describes an individual should be deleted.

Requests received regarding general classes or categories of employees, e.g., a list of all academic employees, should be referred to the Director of Human Resource Management.

5.0. DEFINITIONS:

- 5.1. Access - A personal inspection and review of a record, a copy of a record, or an oral or written description of the contents of a record.
- 5.2. Disclosure - Permitting access, release, or transfer of information from a record.
- 5.3. File Owner - The office and/or manager who has authority to grant disclosure and access to the file/record.
- 5.4. Public Records - Any "writing" containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.
- 5.5. Writing - Includes handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds or symbols, or a combination thereof, and all papers, maps, magnetic or paper tapes, photographic film, magnetic or punched cards, discs, drums, and other documents.
- 5.6. Exemptions - Government Code Section 6254 specifies the types of records exempted from the general rule of disclosure for public records.

- 5.6.1. General Exemption - Section 6255 contains a general exemption which provides that "the agency shall justify withholding any records by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record."
- 5.6.2. Specific Exemptions - It should be noted that student records are exempt from the disclosure provisions of the California Public Records Act. In addition, the following specific exemptions to the general rule of disclosure have applicability to the University:
- 5.7. Zoning--A planning tool used to partition areas of land by ordinance into zones for various uses.
- a) Preliminary drafts and notes which are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure;
 - b) Records pertaining to pending litigation to which the University is a party until such litigation or claim has been finally adjudicated or otherwise settled;
 - c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of privacy;
 - d) Records of complaints to or investigations conducted by, or security procedure of any state or local police agency, or any such investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes;
 - e) Test questions, scoring keys, and other examination data for employment or academic examination;
 - f) Records, the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including but not limited to the provisions of the Evidence Code related to privilege; and
 - g) Records of a state agency for use in confidential collective bargaining matters.

5.8. Record Custodian - Academic or administrative department head

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- a) Preliminary drafts and notes which are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure;
 - b) Records pertaining to pending litigation to which the University is a party until such litigation or claim has been finally adjudicated or otherwise settled;
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 - d) Records of complaints to or investigations conducted by, or security procedure of any state or local police agency, or any such investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes;
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 - f) Records, the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including but not limited to the provisions of the Evidence Code related to privilege; and
 - g) Records of a state agency for use in confidential collective bargaining matters.

- 5.7. Record Custodian - Academic or administrative department head responsible for maintaining record systems. In instances where an individual in a department other than the department head is responsible for day-to-day maintenance of a record, the overall responsibility for the access and disclosure of the record remains with the file owner.

6.0. RESPONSIBILITIES:

- 6.1. Individuals requesting access to public records will submit a Request for Records Access form to the Record Custodian.
- 6.2. Record Custodians/File Owners will:
 - 6.2.1. Review requests to access records and determine if the document is accessible under the California Public Records Act.
 - 6.2.2. Establish with the requester a mutually agreeable time during normal business hours when the document will be available for inspection if the request for access is granted.
 - 6.2.3. Prepare a written statement describing the reasons for withholding access citing the Public Records Act exemption upon which the denial is based.
 - 6.2.4. Maintain a log of all instances of disclosure of public information.
- 6.3. The Director of Human Resource Management will coordinate the preparation of responses to requests for public information concerning general classes or categories of employees as outlined in FSA 78-68.
- 6.4. The University Cashier will accept payment in advance of copying and indicate amount received on the Request to Copy Records form.
- 6.5. The Information Practices Officer will coordinate the preparation of the annual report of compliance with the Public Records Act and file the report with the State Office of Information Practices.

7.0. PROCEDURES:

- 7.1. Individuals seeking access to public records may submit a Request for Records Access form to the custodian of the record or appear in person during normal business hours to request access and complete the form.
- 7.2. The record custodian will determine whether the record requested is accessible under the California Public Records Act. This determination will be made as soon as practicable.

- 7.2.1. If access is granted, the record custodian will establish with the requester a mutually agreeable time during normal business hours when the document will be available for inspection and maintain a record of the access.
- 7.2.2. If the custodian determines that the record is generally, or specifically, exempt from disclosure under the Public Records Act, the custodian will immediately transmit to the responsible senior level administrative officer a written statement describing the reasons for withholding access, citing the Act's exemption upon which the denial is based.
- 7.3. If the individual requests copies of the record, the individual will pay the current charges in cash, money order or cashier's check at the Cashier's Office. Upon presenting a receipt for payment to the record custodian, copies of the record will be released. Under no circumstances will original records leave the custody of the record custodian.

Unless the number of records, or copies thereof prevent it, copies of the public records must be provided to the requester within 10 working days of the request in compliance with these procedures. The time limit may be extended by written notice from the record custodian for a period not to exceed 10 working days in unusual circumstances as defined in Government Code Section 6256.1.

- 7.4. **Employee Information That May Be Disclosed--**When responding to written requests for verification of employment from potential or actual creditors and employers other than the California State University, the Office of Human Resource Management will release the following items of public information: name; employing agency and reporting unit; work location; classification title; job description, duties and responsibilities; gross salary rate; shift differential; pay period; date appointed to or separated from latest position; time base (i.e., full time, part time, intermittent); tenure (permanent, temporary or probationary); and other information clearly tied to their status as public employees about which the public has the right to know, such as whether attendance at a seminar, conference, training session, etc., was paid for by the State and at what cost to the State.

Note: The following information is personal and may not be disclosed without the consent of the employee: social security number; number of tax exemptions; amount of taxes withheld; amount of OASDI withheld; marital status; voluntary deductions; survivors amount; net pay; home address; telephone number; birth date; ethnic data; and designee for last payroll warrant.

7.5. All legal questions regarding the purview of the Public Records Act or its applicability in a particular case shall be submitted as outlined in the administrative procedure on Requests for Legal Opinions.

8.0. APPENDICES:

8.1. Request for Records Access.

8.2. Request for Photocopy.

8.3. Disclosure Log.

8.4. General Guidelines Regarding Public Records Access.

**CALIFORNIA STATE UNIVERSITY, LOS ANGELES
GENERAL GUIDELINES REGARDING PUBLIC RECORDS ACCESS**

The designated custodian for public records is the academic or administrative department head responsible for maintaining the record.

Individuals requesting access to records pursuant to the California Public Records Act are to complete the Request for Records Access form for review by the record custodian.

The following parties may be present during the review of the public records:

- Requester or his/her representative (designated in writing) and one advisor, who may be an attorney.
- Administrative Officer overseeing the requested record or his/her representative, and one advisor or attorney.
- University Records Custodian.
- No other parties shall be permitted in the room.

During the review, no records shall leave the room where the review is occurring. Records at all time shall be under the immediate supervision of and in the presence of the administrative officer overseeing the records. Only those records approved for access by the Record Custodian for review, excluding records related to Public Records Act exemption, will be permitted to be reviewed by the requester. The Record Custodian will record the records requested by completing the Disclosure Log when access is provided, noting the time the record is removed from the file and the time the record is returned to the file.

This process is not intended to be an adversarial process or a deposition or hearing, but is to informally allow access to requested records. Statements should be limited to facilitating access to and review of the requested documents, and should not address detailed inquiries into the content of the documents.

No tape recorders or cameras are permitted during the review. Handwritten notes are acceptable.

If the requesting party requests copies of records, the requester should complete the Request for Copy form, pay \$.10 per copy at the University Cashier's Office and present a payment receipt to the Record Custodian. The requested copies will be supplied within 10 days of receipt of the request

In the event of a disagreement regarding the procedures the Record Custodian should contact the responsible Vice President or Information Practices Officer.