



Policy Type: Board

Category: Legal

Policy Name: Policy Regarding Public Records Requests - Board Policy 3.70

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3.70 POLICY REGARDING PUBLIC RECORDS REQUESTS (Adopted 2-25-20)

In accordance with the County's Open Government Ordinance, the County of Santa Clara is committed to transparency, public participation, and accountability. The California Public Records Act (CPRA) provides that "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." Under the CPRA, the public has the right to inspect and to obtain copies of public records that are not exempt from disclosure requirements.

The purposes of this Policy are to: (1) ensure the County's responses to public records requests comply with the CPRA and the County Open Government Ordinance, and (2) identify the role and responsibilities of the Office of the County Counsel and all County departments, agencies, and offices (collectively, "departments") in the processing of records requests.

3.70.1 Designated Office for Coordinating Public Records Requests

In accordance with the County Open Government Ordinance section A17-12, the Office of the County Counsel is responsible for receiving and coordinating the County's responses to CPRA requests. Individual departments continue to have responsibility for responding to requests for,



and producing, routine records as determined by the Office of the County Counsel. For nonroutine records requests, the Office of the County Counsel shall coordinate with the department(s) that maintains the requested records for searching, compiling, and reviewing records, responding to the request, and producing non-exempt records.

In order to ensure the protection of private information (e.g., protected health information, confidential criminal justice information, and personal information such as social security numbers), the Office of the County Counsel is responsible for providing legal review of records for appropriate redactions or exemptions to disclosure prior to the production of records.

3.70.2 Receipt of Requests for Records

Requests for public records may be made via letter, e-mail, telephone, or any other medium of communication established by the County. The County shall establish a centralized intake portal for public records requests under the oversight of the Office of the County Counsel. Upon creation of the centralized intake portal, all requesters shall be encouraged (but are not obligated) to use the County's portal. Information on how to submit requests for records shall be provided to the public via the County's website, and information regarding the intake portal, once established, will be made available at the reception areas of the Office of the County Counsel and the Board of Supervisors.

3.70.3 Department CPRA Coordinators

Each County department shall identify and provide to the Office of the County Counsel the name of at least one primary designated CPRA Coordinator and at least one back-up. The Office of the County Counsel shall maintain the list of the departments' CPRA Coordinators.



Each CPRA Coordinator is responsible for being the departmental liaison with the Office of the County Counsel relating to the receipt of non-routine records requests, as well as any departmental coordination for the searching and compiling of records, responding to a request, and producing non-exempt records. Each department must ensure that all its staff are aware of the identities of the department's CPRA Coordinators, and that it updates the Office of the County Counsel when there are updates to its designated CPRA Coordinators.

3.70.4 Routine and Non-Routine Records Requests

Departments have existing processes in which individuals may inspect and order or otherwise request copies of non-exempt public records. To streamline these routine requests and ensure that there is no undue delay in providing records to the public, each department, in consultation with the Office of the County Counsel, shall develop a department protocol that identifies the types of records that are routinely provided by a department and do not require coordination through the Office of the County Counsel. The department protocol must be approved by the Office of the County Counsel. Requests for all other records not specified as routine shall be processed as non-routine records requests.

Notwithstanding a department's protocol, the following records requests must be forwarded to the Office of the County Counsel for processing:

- Requests for records maintained by one or more other County department(s);
- Requests for records involving a Board of Supervisors Office or the County Executive;
- Requests from an attorney or law firm;
- Requests that pertain to an issue that is the subject of potential or existing litigation;



- Requests that seek materials on private devices;
- Requests that pertain to issues that may be of a controversial nature; and/or
- Requests that include both routine and non-routine records.

3.70.5 Responsibilities of the Office of the County Counsel and Department CPRA Coordinators

Upon receipt of a CPRA request for non-routine records that do not fall under a County Counsel approved department protocol, the receiving department shall provide the request to the Office of the County Counsel via email on the same business day. A department must not turn away a records request directed to it.

If a department receives an oral request for non-routine records, the department may ask the requester to complete the County of Santa Clara Public Record Request Form (Request Form) or complete the Request Form for the requester. Upon establishment of the County's centralized intake portal, all requesters shall be encouraged (but not obligated) to use the intake portal for their requests. If a department or employee receives a non-routine request outside of the portal and the requester does not or cannot use the portal to submit the request, the County department/employee shall submit the information into the portal for tracking and assignment by the Office of the County Counsel.

The Office of the County Counsel shall log the records request and assign an attorney to coordinate with the appropriate department(s) on the records search, records review, records redaction as needed, response to the request, and production of records.



The Office of the County Counsel is responsible for determining whether any exemptions from disclosure apply to any records or portions of records, and for overseeing any necessary redactions.

The Office of the County Counsel and department CPRA Coordinator(s) shall coordinate regarding any communications with the requester, including the response to the request, written notice of extension to respond to the request, and production of records.

3.70.6 Administrative Policies and Implementing Guidelines

To effectuate the goals of this Policy and the County's Open Government Ordinance, and to ensure centralization and coordination of the County's response to CPRA requests, the County Counsel may adopt administrative policies and implementing guidelines.

Related Policies

None.

Related Forms and Information

None.

History

Date	Changes Made
2/25/2020	Policy Adopted. View legislative file.