

MENDOCINO COUNTY POLICY #36	PUBLIC ACCESS TO COUNTY RECORDS
ADOPTED: September 12, 2000 AMENDED: May 19, 2015	ADOPTED BY: Minute Order

Purpose

The Board of Supervisors desires to establish a formal written policy which would affirm the public's right to access records held by the County and not exempt by law; establish a procedure for the review of decisions to withhold records from public access; and provide that the review procedure is publicized.

Definition

“Public records” includes “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. “Public records” in the custody of, or maintained by, the Governor's office means any writing prepared on or after January 6, 1975,” as defined in Government Code Section 6252.

Background

The California State Legislature, in enacting Government Code Section 6250 et seq. known as the California Public Records Act, made a legislative finding that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in the State. At the same time, however, the California Public Records Act, Article 1, Section 1 of the California Constitution, Evidence Code provisions and other specific statutory provisions exempt disclosure of certain records by the County.

Policy

1. Public records are open to inspection at all times during the County's regular business hours. Every person has a right to inspect and copy, upon payment of fees covering direct costs of duplication or a statutory fee if applicable, any records (including electronically stored material, such as audio recordings, video recordings and computer disks) in the possession and custody of any officer of the County of Mendocino, except as specifically prohibited by law or as provided for in paragraph 3 below.
2. Any person desiring to inspect or receive a copy shall request an identifiable public record from the County officer having custody thereof. The request shall be specific enough to enable retrieval without a prolonged search. When requests are not specific, the requesting party may alternatively be allowed to review a file on the particular department's premises. Staff shall assist the member of the public in making a specific, detailed request that reasonably describes an identifiable record or records.
3. Each County agency shall make reasonable effort to make the records promptly available, upon request. If not immediately available, the County has up to 10 days within which to provide a record. (NOTE: Days are calendar days.) The 10-day provision should be limited to the following situations:
 - if the records sought are voluminous
 - if the records sought are maintained off-site
 - if there is a question as to whether the request is for a public record
 - if the record(s) sought may be exempt from disclosure and a determination to that effect must be made.

The County can extend the time for up to fourteen days. The 14 day extension must be evidenced in writing setting forth the reasons for the delay and the expected date of the determination.

Compliance with a request to inspect or obtain a copy of a public record is subject to an “implied rule of reasonableness” in that inspection of public records cannot give a member of the public priority over County officers in the use of official records. Additionally, repeated requests for information which the person has been informed are unavailable also falls within the “implied rule of reasonableness.”

4. If the department determines to deny the request, denial shall be in writing setting forth the explicit reasons for denial of access to the subject record(s).
5. Any person who believes he/she has been unjustifiably denied access to a public record may, within 30 days of such denial, file a written request for review of the denial with County Counsel. Such request for review shall set forth a description of the record(s) sought and the person's reasons for believing that the records sought are accessible under the Public Records Act and are not exempted under any of its provisions.

Not more than 30 days following receipt of a request for review, County Counsel shall inform the person requesting review of County Counsel's finding in writing.