

## Release of Records

### 801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the public to inspect and obtain copies of public records.

Inspection and release of records with protected health information is covered in the Patient Medical Record Security and Privacy Policy.

### 801.2 POLICY

It is the policy of Montecito Fire Protection District that records not exempt from disclosure by state or federal law will be open for public inspection with the least possible delay and expense to the requesting party (Government Code § 7920.000 et seq.).

### 801.3 INSPECTING PUBLIC RECORDS

Public records are generally open to inspection during regular business hours.

Records that in part or whole are exempt from disclosure or require redaction will not be provided for inspection. Upon written request, a redacted copy of the record may be produced as provided in this policy.

### 801.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any member of the public, including the media and elected officials, may obtain copies of unrestricted records of this department by submitting a written and signed request for each record sought and paying any associated fees (Government Code § 7922.530).

- (a) All requests for records shall be forwarded to the Montecito Fire Protection District Custodian of Records for review and disposition. Information in the request should include:
  1. A statement that information is being requested under the California Public Records Act.
  2. A clear and specific description of the record being requested, including, if possible, dates, subjects, titles, or authors of the documents requested.
  3. If requesting a waiver of fees, a description of why the requestor believes a waiver is in the public interest.
  4. Requestor contact information, including name, address, phone, and e-mail.
  5. Any accommodation needed under the Americans with Disabilities Act.
- (b) The processing of requests is subject to the following limitations (Government Code § 7922.530; Government Code § 7922.535):
  1. All requests should be date stamped upon receipt and logged on the Public Records Act request log.

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2. The Custodian of Records or the authorized designee shall determine if the requested record is available and, if so, whether the record is exempt from disclosure.
  - (a) Either the requested record or the reason for nondisclosure will be provided promptly but no later than 10 days from the date of request, unless unusual circumstances preclude doing so.
  - (b) If more time is needed, an extension of up to 14 additional days may be authorized by the Fire Chief or the authorized designee.
  - (c) If an extension is authorized, the Custodian of Records shall provide written notice of the extension to the requesting party.
3. The Department is not required to create records that do not otherwise exist in order to accommodate a request for information or records.
- 4.
5. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be provided promptly.
- 6.
7. Released records shall be logged on the Public Records Act request log.

#### **801.5 RECORDS IN ELECTRONIC FORMAT**

Upon request, the Department shall make available any public record in any electronic format in which the Department holds the information or in the format requested if the format has been used by the Department to create copies for its own use or for other agencies. The Department may not provide the records only in electronic format unless specifically asked by the requestor (Government Code § 7922.570; Government Code § 7922.580).

#### **801.6 FEES**

A copy of a requested public record not exempt from disclosure shall be made available upon payment of fees established by the Montecito Fire Protection District governing body (Government Code § 7922.530).

The Custodian of Records may exercise discretion to waive all or part of the fee if the requestor demonstrates that a waiver is in the public interest.

##### **801.6.1 FEES FOR RECORDS IN ELECTRONIC FORMAT**

The requestor shall bear the direct costs of duplication to produce a copy of a record in an electronic format and shall also bear the programming costs involved to construct a record and any computer services necessary if the request for electronic records is either (Government Code § 7922.575):

- (a) For a record that is produced only at specific scheduled intervals.

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- (b) For a record that requires data compilation, extraction, or programming.

#### **801.7 RELEASE RESTRICTIONS**

In balancing the public's right to access public records, the statutory individual right of privacy and the need for the Montecito Fire Protection District to be able to efficiently perform its duties, the Legislature has established certain categories of records that may be exempt from public disclosure. A complete list of statutory exemptions is found in the California Public Records Act. Absent a valid court order or other statutory authority, the Public Records Act exempts certain records from disclosure in whole or part. Those pertaining to the Montecito Fire Protection District include but are not limited to the following (Government Code § 7920.000 et seq.):

- (a) Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the Montecito Fire Protection District in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure. If a draft contains facts and recommendations, the facts must be disclosed but the recommendations may be withheld.
- (b) Records pertaining to pending litigation to which the Montecito Fire Protection District is a party or to claims made, but only until such litigation or claim has been finally adjudicated or otherwise settled. The complaint, claim, records filed in court, records that pre-date the suit, reports about projects or activities that ended in litigation, and settlement records are subject to disclosure.
- (c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.
  - 1. Home addresses, home telephone numbers, personal cellular telephone numbers, and birth dates of members are exempt from disclosure except in certain circumstances as provided in Government Code § 7927.700.
- (d) Records of complaints to or investigations conducted by the Montecito Fire Protection District for law enforcement purposes.
- (e) Attorney-client discussions are confidential.
- (f) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examinations.
- (g) Contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the Montecito Fire Protection District relative to the acquisition of property or to prospective public supply and construction contracts, until all of the property has been acquired or all contract agreements executed.
- (h) Records whose disclosure is exempt or prohibited pursuant to provisions of federal or state law, including but not limited to provisions of the Evidence Code relating to privilege.
- (i) Records that relate to archeological site information.

The Montecito Fire Protection District retains the discretion to claim an exemption from public disclosure for any record that does not qualify for a specific exemption under the Public Records

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Act when the Montecito Fire Protection District determines that the public interest served by not making the record public clearly outweighs the public interest served by disclosure.

Records subject to exemption may nevertheless be made available for inspection if waiving the exemption will serve the public interest, as determined by the Montecito Fire Protection District on a case-by-case basis. However, the Montecito Fire Protection District's determination to disclose a record, which may otherwise be exempt from disclosure, does not constitute a waiver with respect to any other records (Government Code § 7921.505).

When the Custodian of Records determines that a record is exempt and disclosure should be denied, the Custodian of Records should contact legal counsel for the Department for further guidance. If legal counsel concurs with denying disclosure of the record, the Custodian of Records shall log the denial on the Public Records Act request log and provide a summary of the denial, in writing, to the Fire Chief.

#### **801.8 RELEASED RECORDS TO BE MARKED**

Each page of any record released pursuant to this policy should be stamped in a colored ink or otherwise electronically marked to indicate the department name and to whom the record was released.