

DEPARTMENT OF COMMUNITY SERVICES AND DEVELOPMENT

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**PUBLIC RECORDS ACT GUIDELINES:
HELPING THE PUBLIC ACCESS PUBLIC INFORMATION*****Do Not Remove***

These guidelines shall remain posted on CSD's public website and in the main entrance to CSD's office, pursuant to Executive Order S-03-06 signed by Governor Arnold Schwarzenegger on March 29, 2006. The Public Records Act Officer shall review these guidelines at least once a year.

I. Purpose Statement

The California Department Of Community Services and Development (CSD) operates under the California Health and Human Services Agency and administers state and federal funds that provide programs and services for California's low-income residents. Key programs include:

- Low Income Home Energy Assistance Program
- Energy Low Income Weatherization Assistance Program
- Community Services Block Grant Program
- Lead Hazard Control Program
- Other discretionary grants

CSD distributes these funds throughout California through a network of local agencies that establish the best way to deliver services to their low-income communities. CSD accomplishes its mission by implementing programs, monitoring performance and fiscal accountability, and providing support and training to local programs.

The purpose of these guidelines is to aid members of the public who seek public information about CSD's administration of these programs and other departmental public records, and to ensure that CSD complies with its responsibilities under the Public Records Act (Government Code sections 6250 et seq.).¹

II. Right to Access: Legal Authority

The Public Records Act (PRA) provides every person in this state a right of access to public records and other information. The PRA makes all non-exempt CSD records – including the remainder of records after exempt portions are redacted – in any form or medium subject to public inspection during CSD's normal office hours or other

¹ All code references in this document shall be to the California Government Code, unless otherwise specified.

reasonable timeframe. Copies of those records are available after payment of duplication costs. (Section 6253.)

All documents related to CSD's business are considered public records. However, not all public records are disclosable, if protected by law.

In 2004, the voters passed Proposition 59 which requires the PRA to be broadly construed in favor of furthering public access, and narrowly construed when applying any exemptions from disclosure. Other laws reinforce the right of access, such as the Political Reform Act, which requires the unconditional availability of all Statements of Economic Interests (Form 700), are on file with CSD. The PRA includes certain express exemptions which limit the disclosure of some public records. In addition, other laws seek to protect individual privacy interests and other propriety information from disclosure, including but not limited to the Information Practices (Civil Code section 1798), the federal Health Information Portability and Accountability Act (Public Law 104-191 as amended), and the Uniform Trade Secrets Act (Civil Code section 3426).

These guidelines take into account all applicable state law regarding the public's right to access CSD's records, within the context of CSD's organizational structure.

III. Where to Make a Public Records Act Request at CSD

Public Records Act requests can be verbal or in writing.

a. Verbal Requests

Individuals may make verbal requests in person or by telephone during the stated hours:

Department of Community Services and Development
2389 Gateway Oaks, #100
Sacramento, CA 95833
(916) 576-7109
(866) 675-6623

Office Hours: Monday through Friday, 8:00am to 5:00pm, except State Holidays

Visitors without an appointment may be asked to wait until an available CSD representative can be located.

b. Written Requests

Written requests may be delivered personally, via email at webinfo@csd.ca.gov, or via U.S mail or other courier, to the office location provided above, or to the following mailing address:

Department of Community Services and Development
P.O. Box 1947
Sacramento, CA 95812-1947

IV. How to Make Public Records Act Requests at CSD

- a. Requests must be reasonable.

Requests need to describe existing, reasonably identifiable records that are relevant to the business of CSD.

- b. Requests do not need to be formal or technically accurate.

Requests do not have to be formal, nor do they need to cite statutory references or other official references. For example, a requestor might simply call the toll-free number to CSD and say, "I'd like information about the amount of money CSD is giving out in grants this year." Even though the requestor did not specifically identify this as a PRA request, nor use the proper names of CSD's block grant programs, this constitutes a reasonable request that will be affirmatively responded to by CSD. Requests for information will not be rejected due to technicalities.

- c. It is helpful – but not required – for the requestor to provide identification and contact information.

State law protects the right of the requestor to keep his or her identification, contact information and any organizational affiliation private. CSD will ask the requestor to provide this information as a courtesy, to enable CSD to communicate with the requestor in response to the request. However, CSD will not reject the request if the requestor chooses to withhold this information. In that case, the requestor will be asked to propose a reasonable alternative for receiving CSD's response(s) to the request, such as setting up a future appointment for the requestor to telephone or return to the CSD office to meet with the PRA Officer.

V. How CSD Will Initially Respond to Requests for Public Records (Intake)

- a. CSD staff and/or PRA Officer will assist the requestor to make a focused and effective request.

Proposition 59 requires CSD to provide reasonable assistance to the requestor to make a focused and effective request. If the requestor states, "I'd like information about the amount of money CSD is giving out in grants this year," it is appropriate for CSD staff to help clarify to request. Good responses might seek to clarify which type of grants (such as CSBG, energy or some other program), and whether the requestor seeks a grand total or by grantee.

If the PRA request is made verbally, CSD will help the requestor make a focused and effective request, as required.

- b. Requests for readily available information may be provided immediately.

Many requests for information may be fully satisfied by referring the requestor to the CSD website or other readily available source of information. If any CSD staff receives such a request, that staff person shall provide the directions necessary for the requestor to access the information. If the requestor seems satisfied with that response, the CSD staff will be sure to encourage the requestor to contact CSD again if the source does not contain all of the information the requestor is seeking.

- c. Requests for public information which is not readily available are recorded on a Public Records Act Request Form (CSD Form 067).

Any CSD staff receiving a request for public records shall record the request by completing the Intake portion of CSD's Public Records Act Request Form (CSD Form 067). If the request was delivered in writing, the recipient will fill out Section I(A) of CSD Form 067 and attach the written request. If the request was delivered verbally, CSD will use its best efforts to complete Sections I(A) & I(B) of CSD Form 067 including a summary of the request and the requestor's preferred method for follow-up contact.

- d. Requests for Statements of Economic Interests are referred immediately to Human Resources.

The public has a right to inspect and receive copies of an employee's Statement of Economic Interests (Form 700) during regular business hours, commencing as soon as practicable, but in any event not later than the second business day following the day on which the request was received. (Section 81008(a).)

When any staff person opening mail or attending the public telephone lines at CSD receives a request for the Form 700 for one or more CSD employees, that person will complete Sections I and the first row of Section II of CSD Form 067 and immediately forward the request to the Manager of Human Resources, or her designee if she is unavailable.

Human Resources is the custodian of such records, and shall be responsible for complying with Political Reform Act in this regard. Human Resources shall confirm the disclosure of records in writing on CSD letterhead, attach a copy of the correspondence to CSD Form 067, and forward the completed CSD Form 067 to the PRA Officer for closure.

- e. Requests for all other public records will be forwarded to the CSD Public Records Act Officer

All other requests for public records will likely require the involvement of staff other than the person receiving the request. To ensure that all requests are fulfilled consistently and in a coordinated and timely manner, the CSD staff person receiving the request will fill out Section I of CSD Form 067 as appropriate, and the first line of Section II, and will forward it promptly to CSD's PRA Officer.

VI. How CSD will Complete Requests for Public Records

a. Coordination of document identification

The PRA Officer will be responsible for determining which units within CSD are likely to possess material relevant to the request, and will coordinate the identification of all applicable public records with the unit managers and/or supervisors.

b. Application of exemptions and other privileges

The managers and supervisors will assist the PRA Officer with determining which, if any, exemptions or other privileges may prevent the disclosure of certain records or information.

c. Determination of duplication costs

A requestor may either view the relevant documents in CSD's office, or may request copies after payment of duplication costs. If the requestor has asked for copies, the PRA Officer will calculate such costs within the limits of the PRA, and notify the requestor of the amount. For standard-sized documents, CSD will charge fifteen (15) cents per black-and-white page. CSD will provide a quote for color and oversized documents. CSD will begin preparing the materials upon receipt of payment.

For data that is stored in electronic form, the unit manager or supervisor will consult with the PRA Officer regarding the most appropriate form of duplication.

d. All requests will be handled in a timely manner.

The PRA requires CSD to respond to the request within ten calendar days. CSD will endeavor to complete the request within this time. However, if the records are numerous or other factors make reviewing and collating the relevant documents difficult, CSD may inform the requestor of the status of the request within ten days, and further inform the requestor of an estimated timeframe for completion.

e. The PRA Officer will maintain the files of all completed requests.

The PRA Officer will maintain the files of completed requests, either on site or in archives pursuant to CSD's document retention policy.

VII. Training for Public Records Act Compliance

The Public Records Act Officer will develop and provide annual training on compliance with the PRA, including for CSD staff likely to receive the requests from the public.