How to Utilize the California Public Records Act (CAPRA)

What is the CAPRA?
The California Public Records Act requires that governmental records be accessible to the public when requested, unless exempt by the law.

- Requests for identifiable, disclosable records must be responded to within timeframes and promptly available for anyone who pays duplication costs or statutory fees.
- If improperly withheld, the public may seek court order and may receive payment for court costs and attorney fees if they win the lawsuit.

Defining CAPRA terms

- **Public record** - writing with information related to the public’s business by any state or local agency
- **Writing** - any handwriting, typewriting, printing, photo-stating, photographing, photocopying, transmitting by electronic mail or facsimile, and other means of recording
- Requests do **NOT** need to state its purpose or use
- Requesters do **NOT** have to justify or explain the reason exercising their right of access

Who can request information?

Any person or entity (Examples: media, for-profit businesses, and public entities)

The right is not limited to:

- Persons who are constituents outside of a district
- A person who lives in a different city, country, or state can access district records

Public Records

- Memos
- Emails
- Presentations
- Data
- Audio Recordings
- Agendas
- Proposals and Contracts
- Bulletins

NOT Public Records

- Personal or medical records if disclosure is an unwarranted invasion of privacy
- Investigative records
- Pending litigation or claims
- Attorney-client privileged communications
- Student records

Is every writing a public record?

- **NO**, not all writings are public record for CPRA
- **Key element for CPRA**: if writing is kept because it is necessary or convenient to official duties
### Types of Requests
The public can access public records by:
- Requesting to inspect records
- Receiving a copy of identifiable records

**Manner of making requests:**
- In writings (paper or electronic)
- Mailed, emailed, faxed, personally delivered, orally (in-person), or by phone

### Content of Requests
- Indicate public record is sought and focused enough to describe an existing, identifiable record
- May describe writings by content and do no require identification of documents themselves
- Agencies do NOT have a duty to comply with requests that seek records that do not exist

### Time Periods to Respond to Requests
- Agencies determines within **10 calendar days** after the date or request receipt if records may be disclosed and promptly notify requester
  - Considered dates and time depend on the business hours of receipt and if it is a holiday or weekend
- If there are identifiable public records, then determination must state the estimated time and date when records may be available

### Unusual Circumstances
In unusual circumstances, the time limit to initially reply may be extended by written notice.
- It would say the **reasons** for the extension and the **date** which a determination is expected to be made
- The extension **CANNOT** be more than 14 days

**Unusual circumstances:**
- Need to search for records in separate offices
- Voluminous amounts of records
- Consult with another agency with interest in the record
- Compile data or create a program to extract data

### Time Period for Disclosing a Record
- Notifying a requester: initial 10-day response and 4-day extension time periods
- The CPRA does NOT require that records be produced within time periods
- Records are made available "promptly" once the determination has been made

### For More Information
**Guide to CA Public Records Act:**
tinyurl.com/CAPublicRecordsAct