定义

It is the policy of California State University San Marcos to comply with the laws of the State of California as they apply to the California State University, among which is the California Public Records Act (CPRA). The CPRA states that public "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state."

The President of Cal State San Marcos has designated Risk Management and Safety (RMS) as the office responsible for public records requests made in accordance with the CPRA, except for requests made directly to and easily responded to by the Office of Communications.

Employees are to become familiar with this policy and procedure.

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California Government Code Sections 6250 et seq.; California State University Office of General Counsel's Records Access Manual (updated February 2003); CSU Coded Memorandum 06-02; the President of Cal State San Marcos.

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This policy and any subsequent procedures apply to all employees, units, departments, and divisions of Cal State San Marcos.

Karen S. Haynes, President

10/23/06

Approval Date

Revised: 10/12/06

Implemented initially: 4/5/04
I. INTRODUCTION

The California Public Records Act (CPRA) provides that members of the general public may request a state agency to disclose its public records. California State University, as a public agency, has a legal obligation to respond within ten (10) days of receipt of the request.

Risk Management and Safety (RMS) has been designated by the President as the office responsible for public records requests on the campus. Employees who receive a request for public records, written or otherwise, are to immediately forward the request to RMS, to the attention of the Risk Manager.

Once a request is received in the Office of Risk Management and Safety, RMS will collaborate with the CSU Office of General Counsel and appropriate campus departments to ensure timely and legal responses to these requests. If the request originates from the news media, and can be easily responded to, the Director of Communications (or his/her designee) may respond on behalf of the campus and subsequently notify RMS of the request and response. Similarly, RMS will collaborate with the Director of Communications whenever a media-related request is received through RMS.

It is important to note that public records requests may not always be formalized in writing. Informal requests may constitute requests under the CPRA and require a response in the same manner as those submitted in formal format, i.e., some form of writing. Questions regarding how to handle public records requests are to be directed to RMS.

Not all records are considered “public.” For example, the records of auxiliary organizations, as separate legal entities, are not subject to disclosure under the CPRA as they are not maintained by the CSU.

II. DEFINITIONS

For the purposes of this policy and procedure, the following definitions apply:

A. “Public records” include “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.” [Government Code § 6252(e)]

B. "Writing" includes “…any handwriting, typewriting, printing, photostatting, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.” [Government Code § 6252(f)]
III. EXEMPT RECORDS

The following records are not required to be disclosed. Before withholding any records on the potential basis of legal exception, the advice of the Office of General Counsel will be obtained.

A. Preliminary drafts, notes, or memoranda not retained in the ordinary course of business, when the public interest in withholding clearly outweighs the public interest in disclosure. [Government Code § 6254(a)]

B. Records pertaining to pending litigation to which the CSU is a party until the litigation has been finally adjudicated or otherwise dismissed. (Government Code § 6254(b)]

C. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. [Government Code § 6254(c)]

D. Records exempted or prohibited from disclosure by federal or state law, including the law of privilege. [Government Code § 6254(k)]

E. Any record, where the public interest served by withholding clearly outweighs the public interest to be served by disclosure. [Government Code § 6255]

IV. RESPONDING TO REQUESTS FOR RECORDS

Once the campus receives a request for public records, the process outlined below is to be followed:

A. Department/employee receiving the request immediately forwards it to Risk Management and Safety (RMS).

B. RMS sends a copy to the Office of General Counsel (OGC) to the attention of the General Counsel and the campus’ designated attorney.

C. RMS immediately informs the Director of Communications if the request originates from the news media. If the request is directed to the Department of Communications and can be easily responded to, the Director of Communications, or his/her designee, responds and subsequently informs RMS of the action.

D. RMS enters the pertinent information in the campus’ Public Records Act Request Log, which includes the following information:
   1. Date of receipt of the request. (The time limit to respond starts from this date.)
   2. Requestor’s name, address, and telephone number, if available.
   3. Date sent to the OGC.
4. Date response letter is sent to requestor stating whether campus will or will not fulfill request.

5. Departments having possession of the requested records and the date the records are received by RMS from those departments.

6. Date requestor is notified the documents are available upon receipt of invoiced costs.

7. Date the records are sent to requestor.

E. The campus’ attorney advises the campus if the requested records fall under the CPRA’s definition of “public records.” The campus’ attorney and RMS may discuss whether the requestor should be contacted for clarification of the records being requested. This is done so that unnecessary records are not prepared for forwarding to the requestor.

F. Within ten (10) days of receipt of the request by the campus, RMS responds in writing to the requestor to advise whether the campus will comply with the request.

1. If the campus is complying with the request.

   a. RMS contacts the appropriate campus department(s) to prepare the requested information and request that the department(s) forward the records to RMS. As subject matter experts on their records, campus departments are responsible for assisting RMS and OGC in responding to requests for public records by locating and making the requested records available for review and copying.

   b. RMS reviews the records with OGC to determine if there is a need to redact any information contained in the requested records and/or if the records fulfill the request of the requestor. Additionally, each responding campus department will have an opportunity to review and edit the revised version of the response.

   c. The information may be prepared in various formats and the requestor will be charged for costs to the campus for the production and mailing of the records. The charges may include any of the following:

      i. Duplication for paper copies will be charged at CSU’s established rate of $0.20 per page for records up to 8½ x 14 in size, irrespective of whether they are produced in hard or electronic format. The costs for duplicating unusual records – e.g., blueprints, computer disks, DVDs, electronic back-up tapes – will be calculated on a case-by-case basis. Note that different costs
may be required for certain types of documents such as California Conflict of Interest Form 700s, which are set by statute at $0.10 per page.

ii. The requester must bear any added cost of producing electronic records if (1) the request calls for production out of sequence with otherwise regularly scheduled intervals; or (2) the request requires data compilation, extraction, or programming. These additional costs cover the “cost to construct a record,” and the “cost of programming and computer services necessary to produce a copy of the record.”

iii. Direct expenses of the duplicating equipment, supplies, and the cost of the staff operating the equipment. CSUSM will not, however, charge for the cost of locating, retrieving, or inspecting records.

iv. The cost of mailing.

d. When necessary, the campus must facilitate the identification and location of requested records, and departments cannot charge for reasonable retrieval of the information.

e. The requestor will be invoiced by RMS and must provide payment to the campus in advance of receiving the records. RMS will then forward any payment collected for records to the department providing the documents to cover duplicating equipment, supplies, and the cost of staff.

f. If records are to be provided to the requestor, RMS will prepare a suitable copy of the records and forward the records to the requestor upon notification of receipt of payment of the invoice. Records are not required to be copied or provided until appropriate costs have been paid by the requestor.

2. If it is determined that there are no records matching the request or that the requested records are exempt from the CPRA, Risk Management and Safety will notify the requestor and advise of the reason for denying the request.
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