



# City Staff Guide for Handling Public Records Requests

## TABLE OF CONTENTS

1. What is a Public Record? .....	3
2. Who must respond to a request for public records?.....	3
3. How can I receive a request?.....	4
4. Am I legally obligated to assist the requester? .....	4
5. When is a public record or public information request considered “received”?.....	5
6. What are the steps in responding to a public records act request?.....	5
7. What is considered a response?.....	9
8. What if I assistance or an additional department assigned to process the request?.....	9
9. What if I am assigned as ‘support staff’ in Next Request?.....	9
10. Are all city records public? (Common Exemptions) .....	10-12
11. How do I redact information from a document or withhold a record that is exempt? .....	13
12. How do I provide the records to the requestor? .....	13
13. Responding to a request for documents in a specific format .....	14
14. Where else can I find records?.....	14
15. Do I have to create a new record?.....	14
16. Can I create a new record?.....	15
17. When should I contact the City Attorney’s office? .....	15
18. What if I need an attorney to review documents before I release them.....	15
19. Can I charge for the staff time required to locate the records?.....	16
20. Inspection of Records.....	17
21. Frequently asked questions .....	17-18

## ***1. What is a Public Record?***

The California Public Records Act defines a “public record” as “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” (Gov. Code §7920).

A “writing” (Gov. Code §7920.530) is information retained in any form. Such as, but not limited to:

- paper documents
- photos
- videos
- pictures
- emails
- text messages
- audio recordings
- printouts
- electronic data
- information contained in City databases
- written notes

It applies to records generated and stored on personal devices, like smartphones, home computers, and tablets.

The City of Oakland’s Sunshine Ordinance provides the public access to information beyond that which is required under the Public Records Act. The Oakland Sunshine ordinance defines “public information” to include “the content of ‘public records’ as defined in the California Public Records Act (Gov. Code §7921.000, et seq.) whether contained in public records or in oral communications” (Oakland Municipal Code §2.20.180.C.).

## ***2. Who must respond to a request for public records?***

Each city agency is required by the Oakland Sunshine Ordinance to designate a Public Records Request (PRR) Liaison to facilitate the inspection and distribution of public records and provide oral information about agency or department operations, plans, policies, and positions (Oakland Municipal Code §2.20.200.A.).

Although all departments have a designated PRR Liaison, each City employee is equally responsible for delivering records in a timely manner to the public whether it is through a Liaison or directly to the individual requester upon Liaison review.

### ***3. How can I receive a request?***

Members of the public can submit public records requests by:

- Verbally
- Phone
- In person
- Email
- Letter
- Fax
- Online record request system
- Hand-delivered

Any city employee who receives a request outside of Next Request shall enter the request into Next Request for communication and tracking.

If you are not a Public Records Request (PRR) Liaison, you must inform your departmental PRR Liaison of the request and enter it in the public records request management system (Next Request).

If you are entering a request into Next Request, make sure to include the requester's email address. If this is not possible, add a statement in the Request Area clarifying that no email address was provided. For example, "Request received via regular mail on Jan. 13, 2024 by Jane Doe. Requester did NOT provide email address, but did give a phone number so communication will take place via regular mail and/or phone."

### ***4. Am I legally obligated to assist the requester?***

Yes. You must assist members of the public with their public records requests. This can include:

- Helping them identify records and information responsive to the request or to the purpose of the request, if stated.
- Describing the information technology and physical location in which the records exist,
- Providing suggestions to prevent their request from being denied. [Gov. Code § 7922.600]

Members of the public might submit requests that are so vague or broad staff cannot identify responsive records. You should work with requesters to narrow down their request or attempt to understand what they need. You should attempt to contact the requester using all means they provided. In other words, if requester provided a phone number, you shall attempt to contact them via phone, in addition to contacting them through the online system. If you don't hear from the requester after attempting to contact him or her 3 times within 30 calendar days from your first attempt to contact them, then close the request (be sure to add comments for each communication attempt and the closure).

## ***5. When is a public record or public information request considered “received”?***

A public records or public information request is “received” on the day it was submitted in person, electronically, by fax, or by phone, or on the next business day if submitted on a non-business day. City staff must date stamp the request upon receipt if this request is received outside of Next Request. This triggers the start of the 10-day deadline for a response (or 3-day deadline for immediate disclosure under the Sunshine Ordinance).

## ***6. What Are the Steps in Responding to a Public Records Act Request?***

City departments are to follow the Administrative Instruction 106 when processing public records requests. The Administrative instruction summarizes state and local law as applicable to public records. The AI can be located on the City’s intranet website.

There are five steps departments must take in response to a PRA request. (1) It must review the request and determine whether the request specifies identifiable records. (2) It must search for the records. (3) It must provide a Records Determination informing the requester whether it has located (and intends to produce) disclosable responsive records. (4) It must review the records and redact or withhold where appropriate. (5) It must publish the records. Each of these steps is discussed below:

### **Step One: Determine Whether the Request Specifies Identifiable Records.**

**Does the request reasonably describe an identifiable record or category of records? Does it ask a question instead of asking for records?**

A public records request must seek an identifiable record or category of records sought. § 7922.530(a). The request need not be exact or identify specific records by date or author. But the request must be clear and defined enough that staff can understand what records to look for. A request that is overly broad or vague does not allow departments to conduct a tailored search.

The Act also does not require the City to answer questions. A question is not a public records request. The City need not answer the question, for example, “which officers responded to the 911 call at 1234 Main Street last Thursday?” However, as explained below, it cannot simply ignore the question and close the request without first attempting to help requester make an appropriate request.

**If a request does not meet minimum standards, staff must attempt to assist the requestor in refining it.**

The law recognizes that requestors may not have all the information or tools necessary to make a tailored request. The PRA therefore requires agencies to make a reasonable effort to elicit clarifying information that might assist in overcoming any practical basis for denying access to the records sought. § 7922.600. This includes offering suggestions for narrowing or modifying the request. In the request for information about which officers responded to a call at 1234 Main Street, staff might suggest the requestor modify the request to seek records of requests for assistance at 1234 Main Street on a specific date. Or, if it was clear from the question what records would assist the requestor, the Department might simply provide the records without requiring a modified request.

## **Step Two: Search For and Collect Disclosable Responsive Records.**

### **Public Records Liaisons Determine Where to Search and Whom to Contact**

Upon receipt of a request, the liaison in the department receiving the request, should determine whether the request seeks records that exist within their department or another City department. If the liaison determines all responsive records are accessible within the department, without involving other departments, the Liaison should complete the search, review, redact if necessary and provide records promptly. If the request requires searching for and collecting records kept by other departments, the Liaison should add the additional department in Next Request. The corresponding liaisons in those departments will be added to the request.

Many PRA requests require searching the emails or electronic files of employees. For these types of searches, liaisons should prepare a list of accounts to be searched a list of search terms and engage the Citywide IT Department via the internal Electronic Data Discovery Request (EDDR) portal as soon as possible after receiving a request, to ensure a timely response.

### **The City Must Perform a Reasonable Search**

Any agency must perform a reasonable search for disclosable responsive records in response to a properly stated PRA request. Whether a search is reasonable will depend on the facts and circumstances of each request. In general, all persons that would most likely be in possession of responsive records should be consulted, and all databases and locations that would most likely house responsive records should be searched. OPD is not, however, required to perform a “needle in a haystack” search or compelled to undergo a search that will produce a huge volume of material in response to the request. If a search would be unduly burdensome, the PRS should work with the requestor to narrow the scope of the request.

### **The City Must Collect and Review Potentially Disclosable Responsive Records**

If a file is likely to contain both disclosable and non-disclosable records, department liaisons must collect the records and review them, ultimately producing what is disclosable and withholding what is not. However, liaisons need not collect and review records when it is apparent without review that the records are entirely non-disclosable. For instance, departments need not collect and review individual documents pertaining to internal legal advice, as these records are exempt from disclosure pursuant to the attorney-client privilege in officer personnel files when its records show the file is entirely non-disclosable pursuant to CA Evidence Code § 954.

## **Step Three: Provide Records Determination**

Once the Department has searched for and identified responsive records, it must provide a Records Determination informing the requester about its findings and providing an estimated date of production.

### **When Must A Determination Be Made?**

Unless the requestor makes an immediate disclosure request, the City must provide a Records Determination

within 10 calendar days of receipt of the request. § 7922.535(a).

### ***A. Standard Records Requests – Response Due within 10 Calendar Days***

**Prompt disclosure required.** For all records requests that are not marked for “immediate disclosure” you must, within **10 days of receipt** of the request:

- provide all non-exempt public records for inspection and copying or notify the requestor in writing when all non-exempt records will be provided for inspection and copying; or
- notify requestor in writing that records requested will not be disclosed because they are exempt and inform them of the basis for exemption; or
- notify the requestor in writing that it is necessary for the City to extend the time for response and reasons for the extension.

**Extension:** You may extend the time to respond by 14 calendar days, if it is necessary:

- to search for and collect records from field facilities or other off-site locations, or
- to search for, collect, and examine a voluminous amount of separate and distinct records, or
- to consult another agency with a substantial interest in the records about disclosure of the records; or
- to compile data or create or buy computer programming to extract data.

❖ You must notify requestor of the estimated date and time records will be available.

(Oakland Municipal Code § 2.20.230.B and Gov. Code § 6253 (c))

### ***B. Immediate disclosure required. Once a public record requested is received, you have 3 business days to PROVIDE responsive records to “Immediate Disclosure” requests, and 10 calendar days to RESPOND in writing to all other requests. Request Marked “Immediate Disclosure Request” – Records Due within 3 Business Days.***

When a City department receives a request marked “Immediate Disclosure,” you must:

- provide the documents requested within **3 business days**, or
- send requestor a written notice of extension if grounds exist. See extension grounds below.

The immediate disclosure timeline applies only if:

- the words “Immediate Disclosure” are expressly stated in the request, and
- the request is for public records that have been previously distributed to the public; examples of such records are previously published meeting agendas and agenda-related materials and City Administrator announcements, and the requestor has provided a contact email, telephone or facsimile number.

**Extension:** You may extend the time to provide documents by **4 calendar days** to determine it is necessary:

- to search for and collect records from field facilities or other off-site locations, or
- to search for, collect, and examine a voluminous amount of separate and distinct records, or
- to consult another agency with a substantial interest in the records about disclosure of the records;

- or
- to compile data or create or buy computer programming to extract data.
- ❖ **7 calendar days of date** of request - these determinations must be communicated in writing to the requestor within 7 calendar days of the date of the request.
- ❖ **14 calendar days** after sending day written determination sent to requestor – must provide non-exempt records for inspection or copying within 14 calendar days of sending the 7-day written determination to requester. (Oakland Municipal Code § 2.20.230)

#### **Step Four: Review and Redact**

The PRA exempts certain categories of records and information from disclosure. (As discussed below, the Sunshine Ordinance narrows these categories in some instances.) These exemptions are generally permissive, not mandatory. That means that the Department can withhold or redact when an exemption applies, but it is not required to. If the Department voluntarily discloses a record or information that it may withhold, then, as a general rule, it waives its privilege to withhold the record in the future. § 7921.505(b). But certain types of disclosures—for example, to another governmental entity, or if otherwise required by law—do not necessarily require disclosure of that same record to a member of the public. § 7921.505(c).

Certain exemptions and laws outside the PRA require the department to withhold records. For example, Gov. Code § 7922.200 prohibits disclosure of an individual’s social security number, and § 832.7 of the Penal Code requires withholding certain police officer personnel records. If the Department has made an inadvertent or unauthorized disclosure that compromises its rights (for example, by inadvertently disclosing a record covered by attorney-client privilege, or disclosing information that it was required to withhold), the waiver principle does not apply.

If a public record contains some information that is disclosable, but some information that is exempt from disclosure, the agency generally must segregate or redact the non-disclosable information and disclose the remainder of the record. § 7922.525. The Department must state legal grounds for any redactions. § 7922.000; O.M.C. 2.20.240. However, the Act only requires that the Department produce portions of a record that are “reasonably segregable.”

If in conducting a search an employee believes the records may implicate a privacy right, or otherwise are protected by applicable provisions of the public records, or are not public records, the employee and/or liaison should contact the City Attorney’s office for clarification regarding the obligations to disclose the records.

#### **Step 5: Publish Records**

Once records are reviewed, they must be provided to the requestor.

It is the City’s policy to provide public records on NextRequest so that they are searchable and accessible to the public. Records should generally be published as viewable by the general public, except when the requestor is entitled to non-public information (e.g. where the requestor is a victim of crime requesting their own report or is a journalist requesting information for journalistic purposes), in which case the records should be published only to the requestor.

## **Step 6: Closing Requests**

Where multiple departments are involved in a single request, each relevant liaison is responsible for working with other departments to determine who will respond to the requestor and enter the request into the system. The department Public Records Liaisons shall be responsible for ensuring responsive records from their respective departments are searched for, reviewed, and provided to the requestors in a timely manner. Public Records Liaison may not “close” a public records request through the electronic portal until each and every department involved in responding to the request has confirmed that the production is complete. Each Liaison involved in responding to the request shall have their name posted on the electronic portal.

### ***7. What is considered a response?***

A response is considered any of the following:

- Request clarification or additional information from requester via Next Request (“Add Note”)
- Provide an estimated delivery schedule for the requested record via Next Request (“Add Note”)
- Providing the requested documents, data, or information via Next Request (“Add Record”)
- Notifying the requester of an extension (“Extend Request” link in Response section of Next Request) via Next Request (“Extend Request”)
- Sending a written denial, using the template language in Next Request. (“Close Request”). The denial must include Government statutes under which the information is not disclosed. Consult Open Government Coordinator if you have questions.

### ***8. What if I need assistance or additional departments to respond to a request?***

Once a request is viewed (within 2 days of receipt), determine if:

1. Your department does or does not house the record.
  - a. If you know which department houses the record, immediately reassign the request to the PRR Liaison of that department by clicking on the “Point of Contact” button in Next Request.
  - b. If you do not know who can answer the request, refer to the Public Records Liaison list located the City Clerk’s website or reach out to the Open Government Coordinator.
2. Someone other than you in your department houses the information being requested.
  - a. If that staff member has a Next Request account, you may add them as ‘support staff’ to the request. If the staff member does not have a Next Request account, the liaison will need to coordinate with that individual to gather responsive records.

### ***9. What if I am assigned as “support staff” in Next Request?***

If you are assigned as a “support staff” for a request and have the responsive records (and are not a PRR liaison), you should:

- Immediately forward the records (if available) to the PRR Liaison.
- Consult with PRR Liaison(s) and whether or not legal advice is needed.
- Provide a date in which records will be sent to PRR Liaison and send the records to him/her on



the established date.

### ***10. Are all city records public?***

All records must be disclosed except for specific record types which fall within disclosure exemptions allowed under the California Public Records Act. Some records that may be exempt under the California Public Records Act might still be public under the Oakland Sunshine Ordinance.

No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure and redaction would make the record worthless. If a record contains confidential or other exempt information, you must redact the exempt information and disclose the rest of the record. Any redacted information must be keyed by footnote or other clear reference to the justification for withholding.

Whenever information is redacted or a record is withheld, requester must be informed in writing, and the legal statute under which the information is withheld must be cited.

Below are some of the most common exemptions and the legal language that may be used. Please note that this is **NOT** a complete list. If staff has concerns about disclosing certain information, they should consult the City Attorney's Office. Law enforcement agencies, such as the Oakland Police Department, follow very specific and complex exemptions that are not included in this list, and will be addressed at trainings targeted specifically to them.

**Contact the City Attorney's Office through the Open Government Coordinator with any questions about withholding or redacting records.**

<b>Exemption</b>	<b>Suggested Text of Response, including Legal Statutes.</b>
<b>Attorney-client communications</b>	<p>The City has not provided documents covered by the attorney-client privilege provisions of the Evidence Code (Evid. Code Section 954 and other applicable provisions of state law), pursuant to Section 7927.705 of the Public Records Act which provides that “Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege” are exempt from disclosure.</p> <p><i>Please note that this exemption DOES NOT apply to communications between the City’s representatives and an adverse party, including the text and terms of any settlement agreement, once the pending litigation has been settled or finally adjudicated, unless otherwise privileged or made confidential by law. The City Attorney’s Office must be consulted prior to withholding or disclosing.</i></p>
<b>Attorney Work Product</b> (such as legal research, analysis, impressions, and conclusions of an attorney)	<p>The City has not provided documents covered by the attorney-client privilege provisions of the Civil Code of Procedure (Code Civ. Proc. Section 2018.30 and other applicable provisions of state law), pursuant to Section 7927.705 of the Public Records Act which provides that “Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege” are exempt from disclosure.</p>
<b>Identifying information from Complainants</b>	<p>The City has not provided information identifying private citizens who have made complaints as they have a right to privacy in complaining to the government. (City of San Jose v. Superior Court (1999) 74 Cal.App.4th 1008, 1020.)</p>
<b>Investigative and intelligence records</b>  <i>Exemption applies only to investigations done for law enforcement purposes or by law enforcement agencies.</i>	<p>The City has not provided investigative and/or intelligence records or information pursuant to Government Codes 7923.600-7923.625, which exempts from disclosure investigatory/intelligence files of the Attorney General, district attorneys’ offices, law enforcement agencies and such files of other agencies conducting investigations for law enforcement purposes.</p>
<b>Litigation Records</b>	<p>The City has not provided records per Government Code 7927.200, because “Records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810), until the pending litigation or claim has been finally adjudicated or otherwise settled” are exempt from disclosure and have been withheld.</p>

<p><b>Personnel Records</b> (such as performance evaluations, letters of reprimand, discipline, etc.)</p> <p><i>This exemption DOES NOT apply to a personnel file in its entirety. Consult the City Attorney's Office regarding disclosure of personnel information.</i></p>	<p>The City has not provided records pursuant to Government Code Section 7927.700 because personnel records or information, such as medical records, records of performance, termination, discipline, etc. are exempt from disclosure.</p>
<p><b>Privacy related information,</b> such as:</p> <ul style="list-style-type: none"> <li>○ home addresses</li> <li>○ home telephone numbers</li> <li>○ social security numbers</li> <li>○ driver's license number</li> <li>○ marital status</li> <li>○ credit card numbers</li> <li>○ bank accounts information (except if connected to a loan made by the City. Always consult City Attorney's Office).</li> </ul>	<p>Personal information [state what type, e.g., home phone numbers, addresses] has been redacted pursuant to the individuals' constitutional right to privacy and to protect against identity theft per Government Code Sections 7927.700 and 7922.000.</p>
<p><b>Preliminary notes, drafts, and memoranda not retained in the ordinary course of business, but only if the public interest in nondisclosure outweighs the public interest in disclosure.</b> Staff must articulate in writing a significant public interest in non-disclosure in order to withhold this category of records.</p>	<p>The City has not provided records that are exempt for disclosure pursuant to Government Code 7927.500, which states the following kind of records are not required to be disclosed: "Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure." <b><i>[Staff must also provide reasons supporting a significant public interest in withholding the records.]</i></b></p> <p>Staff must submit a written request to use this exemption that describes a substantial public interest in withholding to the Office of the City Attorney for approval prior to asserting exemption to requester.</p>

## ***11. How do I redact information from a document or withhold a record that is exempt?***

You must redact the confidential material or data that is subject to exemption from the document before it is released to the public. Redaction can be done by any method that covers the portion of the information that cannot be disclosed to the public. The preferred/recommended method is redaction is via a computer software, like Adobe, that allows for electronic redaction of selected sections. If that is not a possibility, redaction tape or black marker (only on a duplicate of the document) can be used.

If you need assistance identifying the information that should be redacted, contact the Open Government Coordinator in the City Attorney's office to coordinate advice from the City Attorney's Office. You need to provide the original document and the redacted document you created. Highlight your proposed redactions and state your concerns.

If the entire record is exempt from disclosure, you must inform the requester of the reason in writing by citing the law that allows for the exemption. Contact the Open Government Coordinator in the City Attorney's office for help with the proper citation.

Each department's Public Records Request Liaison is the last line of assurance for record redaction. Before any record is uploaded to Next Request, or disclosed to a requester in any other manner, the custodian's departmental Liaison must review the record for exemptions and, if needed, facilitate or perform proper redaction.

## ***12. How do I provide the records to the requester?***

The California Public Records Act requires that information be provided in the format that the agency used to create, store or transmit the record and has readily available.

### **Electronic Records:**

1. Existing document or report or spreadsheet should be uploaded to Next Request;
2. If the information is electronic, an audio or visual or CD or DVD, it should be copied and provided to the requester in a compatible electronic format. In all instances of duplication, any cost must be calculated at the rate in the Master Fee Schedule and collected from the requester (amount collected must be in the comments in Next Request upon closing the request).

### **Paper Records:**

1. Records may be provided by allowing access (inspect or obtain a copy) to the documents during normal business hours.
2. Scan and upload document to Next Request (the scanned record should not be saved or filed on share drives or in email, etc.).
3. Notify requestor via the Next Request response section of cost to duplicate, based on the Master Fee Schedule (obtain deposit if required). Copy records, contact requestor advising when ready for pick up, collect fee and note amount in Next Request on pickup date.

### **Voluminous (large) Amounts of Records:**

1. Evaluate the records to determine the amount of records you have as well as any additional records that may need to be obtained from someone/where else;
2. Inform the requester via the Next Request response section that the information will be provided in segments with an estimated completion date **and** the first segment of records;
3. Remaining records should be provided as soon as the records become available. If a request produces a significant amount of records and it is not possible to upload all the records to Next Request then provide the requester with the hardcopy documents (follow Step 3 of “Paper Records” above);
4. Document what was given to requester, the process of fulfilling the request, and how/where the records provided can be accessed for future reference.

### ***13. I converted some records into PDF format and provided them to the requester, but requester wants them in Excel, do I have to give the records in Excel format?***

The California Public Records Act does not require an agency to create a new record; Government Code 6253.9 (1) states “The agency shall make the information available in any electronic format in which it holds the information.”; (2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies.”; (2)c Nothing in this section shall be construed to require the public agency to reconstruct a record in an electronic format if the agency no longer has the record available in an electronic format.” (2)d “If the request is for information in other than electronic format, and the information also is in electronic format, the agency may inform the requester that the information is available in electronic format.” Hence, examples for format change would be:

- Agency should provide the information in the format requested if that format is readily available to the Agency. For example, if the requester requests the document in Microsoft Word and the Agency has the document in Microsoft Word, it should be produced in Microsoft Word. However, the Agency responding to a request is not required to create a record in a medium in which it does not exist unless the alternative medium is required by the requester’s disability.
- If a person with a disability requests information in a medium in which it does not exist (e.g., disc, tape, written transcript or Braille), the Agency must make every effort to create a record that will provide effective communication to the Requester. For example, if a person with a hearing impairment requests a record of a meeting recorded on audio disk, the Agency should make every effort to provide the requester a written transcript or disk of the meeting.

### ***14. Where else can I find records?***

There is a wealth of information online about the City of Oakland and its services online. City employees are encouraged to direct members of the public to (always provide link):

- <https://www.oaklandca.gov/>: The City of Oakland’s official website.
- <https://data.oaklandca.gov/>: This is the City of Oakland’s Open Data Portal. On the site users can find datasets on crime, the City’s art collection, etc.
- Legistar (<https://oakland.legistar.com/calendar.aspx>): Members of the public can find meeting agendas, minutes, and copies of ordinances and resolutions.

### ***15. Do I have to create a new record?***

No. Local agencies are not required to create a new record or document to respond to a request.

## ***16. Can I create a new record?***

Yes. However, be aware that you or someone else may receive the same or similar request in the future and will need to be able to **produce the record again in a consistent manner.**

If a new record is created, then you must do the following:

- Develop step by step instructions on how the record was produced.
- If the record originated in a database, consider posting on Open Data Portal (discuss with Online Engagement Manager in the City Administrator's Office).
- Retain the new record for two years after request is closed if new record does not fall under records series in Retention Schedule (if record falls under record series; it must be kept for same timeframe as other records in the series).

## ***17. When should I contact the City Attorney's Office?***

Questions about the California Public Records Act, disclosure of documents and legal requirements for responding to requests should be directed to the City Attorney's Office through the Open Government Coordinator.

If you know that a request is related to pending or potential litigation (for example, if you receive a request from an attorney who is seeking information on behalf of a client), inform the City Attorney's Office through the Open Government Coordinator before communicating with the requester.

Subpoenas, interrogatories and other such litigation documents seeking records or information are subject to different disclosure laws and processes and must be forwarded to the City Attorney's Office for handling.

Employee union requests for information are subject to provisions of labor laws and should be forwarded to the City Attorney's Office and Employee Relations.

## ***18. What if I need an attorney to review documents before I release them?***

If you need documents reviewed by an attorney for clarification or confirmation of PRA exemption or legal advice, before they are released, you must contact the Open Government Coordinator as soon as possible:

1. Provide a timely initial response to requester before the 10-day deadline and inform the requester in writing (in Next Request or via the requester's preferred manner of communication) that it is necessary for staff and the City Attorney to review the information in the records located to redact any confidential or other exempt information.
2. Inform the Open Government Coordinator when s/he should expect the records and how many records need to be reviewed\*.
3. Open Government Coordinator will coordinate review by an attorney and provide a time estimate of when the documents can be reviewed.

4. The Open Government Coordinator will tell you when the document review is complete.
5. You should inform the requester of an estimated production date when the documents will be provided.
6. If the City Attorney's Office is unable to review before the estimated production date the requester should be notified in writing of the changed estimated production date.

### ***19. Can I charge for the staff time required to locate the records?***

No. The City may only charge for the direct costs of copies (currently 10 cents per page). Check Master Fee Schedule for future reference. In addition:

- A department may charge the cost of postage if the documents are mailed to the requester.
- There is no charge for staff time used to locate or collect records.
- There is no charge for staff time used to redact non-disclosable information.
- There is no charge fee for staff time used for supervision during inspection of records.
- Inspection of any video or audio recording must be provided free of charge on a device made available by the local agency or body responding to the request.
- Alternative forms of communication provided to persons with disabilities shall be provided at a fee no greater than the fee charged to persons requesting the information in its original form.
- Agencies may require requesters of electronic records pay for production costs, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy if the request would require data compilation, extraction, or programming to produce the record. However, the City will not charge for access to data that is readily accessible without significant cost to the City. Since compilation costs are often expensive, the Agency Representative should contact the requester first to see if the requester is willing to pay for the costs.

### ***20. Inspection of Records***

The City of Oakland Sunshine Ordinance requires that each city agency designate a Public Records Request (PRR) Liaison to facilitate the inspection of records. Custodian of records or designee is required to physically supervise the public's inspection of original records. Records may be inspected free of charge.

Requests for review are to be set aside in a designated community area of the department. Requester name and/or request number should be on a cover page with "For Review" as its title. Requester should be provided both the custodian of record(s) name AND the designee.

If you do not hear from the requester after attempting to contact him or her 3 times within 30 calendar days from your first attempt to contact them, close the request (be sure to add comments for each communication attempt and the closure).

If the requester walks into the City Department and asks to inspect a record, the Agency should allow unless:

1. The request is for a voluminous amount of records.
2. The request requires review for privilege or confidentiality.
3. The Agency has a concern that the records may be altered unless the inspection is supervised. If supervision of an inspection is required, the Agency may ask the requester to schedule an appointment.

If the Department is not able to provide records for immediate inspection for any of the reasons above, it must offer to set an appointment with the requester to inspect records.



## SECTION II.

### ***Frequently Asked Questions***

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#### ***1. What do I do if I receive a public records request via email?***

Staff must enter request in Next Request. For detailed instructions see page 18 section titled: “Entering an “Offline” Request into Next Request.”

#### ***2. Who can make a request for public records?***

Any member of the public can make a request to inspect or obtain copies of a public record. This includes government agencies and attorneys.

#### ***3. How do I handle multi-departmental requests?***

Refer to the Public Records Liaison list located at <https://www.oaklandca.gov/topics/public-records> under Resources, Applications, Next Request. Assign liaison (s) in the appropriate departments as ‘staff assigned’ in Next Request.

#### ***4. What is a request for information?***

The Oakland Sunshine Ordinance defines public information as what is contained in records generated, maintained or in possession of the City. It also includes requests for information regarding department or agency operations, plans, policies and positions that can be addressed by oral communications

#### ***5. Are requests for information subject to the same timeline as requests for public records?***

Yes. Process the same, including input and closure in Next Request. Consult with Department Director and Online Engagement Manager in the City Administrator’s Office to discuss options for upload information to Open Data Portal.

#### ***6. Can I destroy or throw away records to avoid producing them?***

No. Public records may only be destroyed according to the Records Retention Schedule with Department Director, City Auditor, City Attorney and City Council Resolution approval.

***7. Can I charge for the staff time it takes to produce a record?***

No. The cost of producing records is limited to the “direct costs of duplication” which does not include the staff time to assemble and review documents. The City’s Master Fee Schedule limits photocopies to 10 cents per page.

***8. What if the requester is unsatisfied with my response?***

The requester may do the following:

1. Speak with the department’s PRR liaison.
2. File a complaint with the Public Ethics Commission.

***9. How accommodating do I have to be for people with disabilities?***

City staff must make every effort to assist the requester with requesting the record (including but not limited to entering request in Next Request) and/or to reproduce the record in an effective format for the requester. Contact ADA Office for assistance if required.

For example, if a person with a hearing impairment requests a record of a meeting recorded on audio disc, the staff should make every effort to provide a written transcript of the disk.

***10. If a requester is unable to communicate in English, is it possible to arrange to have an interpreter?***

Yes. Inquire what language and call Language Services 888-622-4208, enter your department Access Code, follow prompts. If you are unaware of your department’s access code, contact the HRM’s Equal access office at 510-238-3112.

Alternatively, each department shall have a list of bilingual staff that should be available to assist with interpretations.

***11. If a requester is unable to read in English, is it possible to arrange to have the documents translated?***

Yes. PRR liaisons shall:

1. Contact the Equal Access Office and coordinate translation of records.
2. Inform requester when records will be ready.
3. Provide records following the guidelines previously described.