

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Regulation Number: AR-1030

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Effective Date: October 8, 2010

Pages: 5

TITLE: PUBLIC RECORDS REQUESTS

Procedure History

NEW POLICY

10/08/10

SUMMARY OF POLICY

To set procedures for how METRO processes public records requests

APPROVED



I. POLICY

- 1.01 It is the policy of the Santa Cruz Metropolitan Transit District (METRO) that public records shall be available for inspection and/or copying in accordance with the California Public Records Act (*Gov't Code §6250 et. seq.*) and the procedures contained herein. METRO will not unnecessarily delay or obstruct the inspection or copying of public records.
- 1.02 Public Records shall be maintained by METRO as required by federal and state laws and METRO's Records Retention Regulation, #AR-1019
- 1.03 A copy of this regulation shall be provided upon request.

II. APPLICABILITY

- 2.01 This regulation is applicable to members of the public who wish to inspect and/or copy public records maintained by METRO.
- 2.02 METRO employees shall comply with these procedures in the processing of public records requests.

III. DEFINITIONS

- 3.01 **"Member of the public"** means any person, organization or entity.
- 3.02 **"Public Records"** includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency, including METRO, regardless of physical form of characteristics.

- 3.03 **“Statutory Fee”** refers to the copying costs (\$0.10/page) which METRO charges for public records requests.
- 3.04 **“Unusual Circumstances”** resulting from a request in which the requested records are from field facilities or other establishments that are separate from the office processing the request; the need to search for, collect and examine a voluminous amount of records that are requested; the need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency.
- 3.05 **“Writing”** means any handwriting, typewriting, printing, photostating, 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, videos, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

IV. STANDARDS

- 4.01 Public Records are available for inspection during regular business hours, Monday through Friday, 8:00 a.m. – 5:00 p.m. at METRO’s Administrative Offices located at 110 Vernon Street, Santa Cruz, CA.
- 4.02 Requests for inspection or copying of public records shall conform to the following requirements:
- a. The Request must be specific, focused and not interfere with the ordinary business operations of METRO. When a request is not specific and focused, METRO staff will assist the Requester to identify the requested information, describe the technology or physical location of the record, and provide suggestions on how to overcome practical barriers to disclosure. The operational functions of METRO will not be suspended to permit inspection of records during periods in which such records are reasonably required by METRO personnel in the performance of their duties. If the request requires review of numerous records, a mutually agreeable time shall be established for the inspection of the records.
 - b. The Request must sufficiently describe the records so that they can be identified, located, and retrieved by METRO personnel.
 - c. The Request can be made orally or in writing, but METRO encourages written requests (see attached form that may be used) unless the request seeks records that are maintained by METRO for immediate public inspection.
 - d. Online requests for records can be made on METRO’s website, www.scmted.com, by clicking on the link *Click Here to Submit an Online Request for a Public Records Request* on the Public Records Requests page.
- 4.03 METRO may refuse to disclose any records, which are exempt from disclosure under the Public Records Act (*Gov’t Code §6250 et seq.*) in which case METRO will provide a

written explanation regarding why the requested records will not be disclosed. Any portion of a record, which can be reasonably segregated, will be made available for inspection or copying by any person requesting the record after deletion of the portions that are exempted by law.

- 4.04 Inspection of records will be allowed upon conditions determined by METRO. Upon the completion of the inspection, the person conducting the inspection shall relinquish physical possession of the records.
- 4.05 Persons inspecting METRO records shall not destroy, mutilate, deface, alter or remove any such record(s) from METRO. METRO reserves the right to have METRO staff present during the inspection of records in order to prevent the loss or destruction of the records.
- 4.06 Requests for documents or records which would cause METRO to spend an inordinate amount of time to find or which request the production of so many documents as to be unreasonable will be responded to by a letter indicating that the request is overbroad and offering to provide reasonable assistance so that the request can be framed in a way which permits METRO to provide access to the information sought.
- 4.07
 - a. Upon a request for a copy of records that reasonably describes an identifiable record or records, METRO's Legal Department staff shall make copies of records that are not exempt from disclosure upon pre-payment of fees covering direct costs of duplication or a statutory fee, if applicable. Generally, the statutory fee for METRO records will be 10 cents per page plus the actual costs of postage. The cost of copying may not include personnel time retrieving, inspecting or handling the file from which the copy is extracted. Upon request, an exact copy shall be provided unless impracticable to do so.
 - b. Information that constitutes an identifiable public record not otherwise exempt from disclosure that is in an electronic format must be made available in an electronic format when requested by any person. The Requester bears the cost of programming and computer service necessary to produce a record not otherwise readily produceable.
 - c. If METRO no longer has the record available in electronic format, METRO is not required to reconstruct a record in electronic format.
- 4.08 Information does not need to be released in the electronic form in which it is held, if its release would jeopardize or compromise the security or integrity of the original record or any proprietary software in which it is maintained.
- 4.09 METRO may justify withholding disclosure of public records if it determines that the public interest in confidentiality clearly outweighs the public interest in disclosure (*Gov't Code §6254*).

V. ADMINISTRATION OF REGULATION

- 5.01 When an individual makes a request to inspect METRO records, the legal department will be notified and will work with the individual to identify the requested records, which are not exempt from disclosure. If the records requested are not exempt from disclosure, legal department staff will assist with the facilitation of the inspection in accordance with this regulation.
- 5.02 Upon receipt of a request for copies of public records, the METRO employee receiving the request shall notify METRO's legal department.
- 5.03 Within 10 days of receipt of a request for a copy of records, METRO will determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of METRO and will notify the Requester in writing of both the determination and the reasons therefore. The 10-day limit may be extended if "unusual circumstances" as described in *Gov't Code §6253(c)* are found to exist. The Requester must be given written notice, which sets forth the reasons for the extension and the date on which a determination is expected to be dispatched. Such extension cannot be more than fourteen (14) days.
- 5.04 If METRO determines that a Requester is seeking records in its possession that are wholly or partly disclosable, the notification will be made in writing to the Requester and must state the estimated date and time when the records will be made available.
- 5.05 The Requestor will be notified in writing within the time allowed by California law whether the requested records are exempt from public disclosure. The reasons that the records are exempt will also be provided. Any notification of denial of any request for records must state the names and titles or positions of each person responsible for the denial.
- 5.06 METRO's Legal Department shall notify the pertinent METRO department(s) that will be required to locate the records, if they exist, documenting the notification in writing.
- 5.07 The Legal Department retains copies of all documents provided to Requestor for a period of ten (10) years, three years in active status, seven years in inactive status.

PUBLIC RECORDS REQUEST

Date: _____

To: Santa Cruz METRO

From: _____

ACTION

The record(s) listed below or named in the attached document have been requested under the California Public Records Act.

RECORDS REQUESTED: (if extra space needed, please provide in attachment)

Please be as specific as possible. If the request is ambiguous, Santa Cruz METRO may ask you to be more specific.

Please deliver copies of the record(s) and/or materials requested to Requestor as follows:

Name of Company: _____

Name of individual requesting records: _____

Address: _____

Email Address or Telephone number: _____

Please check box to indicate if you prefer to receive the document electronically, if available.

Hard copies are charged at the rate of \$0.10 per page. If mailing records, Santa Cruz METRO will advise of all copying and postage costs and will require payment for such costs before records are provided.

Santa Cruz METRO will only provide existing documents and is not responsible for creating new documents, such as summaries or lists.