



Title: Public Records Act Policy

Policy#: 1002

Effective Date: 03/6/2023

I. Policy Statement:

The Sonoma County Library is dedicated to providing information to the public which illuminates its operations, while also protecting against disclosure of confidential information. Accordingly, this policy addresses requests for Library records made by the public pursuant to the California Public Records Act, Government Code section 7920.000 et seq. This policy does not address requests made for materials in the Library’s collections.

II. Definitions:

Unless the use clearly provides otherwise, the following definitions apply to this policy.

A. Circulation records:

“Circulation records” means any information which identifies the patrons borrowing particular books and other materials from the Sonoma County Library.

B. Patron use records:

“Patron use records” means the following:

1. Any written or electronic record, that is used to identify the patron, including, but not limited to, a patron's name, address, telephone number, or e-mail address, that a Library patron provides in order to become eligible to borrow or use books and other materials.
2. Any written record or electronic transaction that identifies a patron's borrowing information or use of Library information resources, including, but not limited to, database search records, borrowing records, class records, and any other personally identifiable uses of Library resources information requests, or inquiries.
3. This term does not apply to statistical reports of patron use nor to records of fines collected by the Library.

C. PRA:

“PRA” means the California Public Records Act, Government Code section 7920.000, et seq.

D. Public record or record:

“Public record” or “records” means the same as provided in Government Code section 7920.530 and includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the Library regardless of physical form or characteristics.

E. Writing:

“Writing” means the same as provided in Government Code section 7920.545 and includes any handwriting, typewriting, printing, 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.

III. Policy:

A. PUBLIC RECORDS ACT REQUESTS – GENERALLY

Members of the public may request public records from the Library pursuant to the PRA. The public may request to simply inspect the records or obtain copies of them, either in hard copy or electronic copy.

It is the policy of the Library to provide public access to all responsive, non-exempt records in the Library’s possession during normal office hours at Library Headquarters, and to provide exact copies of those records upon request within a reasonable period of time.

The PRA requires the Library to disclose to members of the public, upon request, those of its records which exist at the time of the request; it does not require the Library to create records which did not previously exist. Further, the Library may withhold records responsive to the PRA request in its possession that are exempt from disclosure pursuant to law.

B. PUBLIC RECORDS ACT EXEMPTIONS

The Library may withhold responsive records in its possession in certain situations provided by law. California law requires the Library to maintain certain types of information as confidential, and the PRA exempts various types of records from its disclosure requirements. The Library may withhold responsive records based on the exemptions contained in the PRA (see e.g., California Government Code sections 7922.000, 7927.100, and 7927.105) as well as other applicable laws (see e.g., California Right of Privacy, Cal. Const. Art. I, § 1 [protecting the confidentiality of personal information]).

It is the policy of the Library to release responsive records pursuant to a PRA request unless a record is exempt from disclosure. If a responsive record contains both disclosable and exempt information and the exempt information is reasonably severable, then staff shall redact exempt information prior to releasing the record.

1. Specific PRA Exemptions

Below is a list of exemptions that commonly apply to Library records. This is not an exhaustive list of potential exemptions that the Library may rely on when responding to a PRA request. In some situations, an exception to the exemption may apply that will require disclosure of the record to a requesting person.

Exemptions from disclosure under the PRA include, but are not limited to, the following:

a. Circulation Records:

Library circulation records, but excluding records of fines imposed on the borrower, per Government Code § 7927.100.

b. Patron Use Records:

All patron use records, unless the request is made by the person to whom the records pertain, or by a person authorized in writing by the person to whom the records pertain to inspect the records, per Government Code §§ 7927.105 and 7927.705.

c. Reference or Exhibition Materials:

All Library materials made or acquired and presented solely for reference or exhibition purposes, per Government Code § 7929.100.

d. Drafts and Memoranda:

Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the Library in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure, per Government Code § 7929.500.

e. Pending Litigation:

Records pertaining to pending, or anticipated litigation to which the Library is a party, until it has been finally resolved, per Government Code § 7929.200.

f. Personnel Records:

Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy, per Government Code §§ 7927.700 and 7927.705.

g. Employee Personal Information:

Employee home addresses, home telephone numbers, personal cell phone numbers, birth dates, and personal email addresses, per Government Code § 7928.300.

h. Tests:

Test questions, scoring keys, and other examination data used to administer examinations for employment, per Government Code § 7929.605.

i. Confidential and Privileged Records:

Records that are confidential and protected from disclosure pursuant to federal or state law (such as attorney-client communications or deliberative process privileged documents), per Government Code § 7927.705.

j. Collective Bargaining:

Records related to activities governed by Government Code Chapter 10 (commencing with § 3500) of Division 4, that reveal a local agency's deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy, or that provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights under that chapter, per Government Code § 7928.410.

k. Native American Sacred Records:

Records of Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code, per Government Code § 7927.000.

l. Terrorist Vulnerability Analyses:

A document prepared by or for the Library that assesses its vulnerability to terrorist attack or other criminal acts intended to disrupt its operations and that is for distribution or consideration in a closed session, per Government Code § 7929.200.

m. Computer Programs:

Computer programs (i.e., software programs, as compared to computerized data) are excluded from the definition of “public records” under the PRA, and thus are not subject to disclosure under the PRA, per Government Code § 7922.585.

n. Official Information Privilege:

Information acquired and maintained in confidence if the necessity for preserving the confidentiality of the information outweighs the necessity for disclosure in the interest of justice, per Government Code §§ 7927.705 and 7922.000 and Evidence Code § 1040.

o. Public Interest in Confidentiality Outweighs Disclosure:

A record is exempt if the facts of the particular case demonstrate that the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record, per Government Code § 7922.000.

2. Conditions for Release of Exempt Records or Information

Records or information which are exempt from disclosure under the PRA may nevertheless be released to the public if doing so is consistent with applicable law, serves the mission or goals of the Library, and is expressly authorized by the Library Director.

If the Library discloses a record subject to exemption pursuant to this policy to a member of the public, that record shall be released to all other members of the public upon request, unless the law provides otherwise (e.g., release of circulation information relating solely to the requesting person does not make such information releasable to the public generally).

C. RESPONDING TO PUBLIC RECORDS ACT REQUESTS

Responding to a PRA request requires both a written response and disclosure of existing non-exempt public records. Written responses to PRA requests should be made within 10 calendar days of their receipt, unless an extension provided by law applies (Government Code § 7922.535). The Library shall disclose the requested public records either simultaneously or within a reasonable time thereafter, taking into consideration the nature of the request and the length of time in preparing the materials for review or copying.

Disclosure of responsive non-exempt public records may be made by the following methods: (1) allow the requesting person to review the records at Library Headquarters; (2) place the records on the Library's website and provide the link to the requesting person; (3) send the records by email in an electronic format; or (4) provide a hard copy of the records, either in person or through the mail or other delivery service.

The Library's preferred method of disclosing requested public records is by email if such records exist in electronic format or can be readily converted to electronic format.

D. ADMINISTRATIVE APPEAL FROM DENIAL OF PUBLIC RECORDS ACT REQUEST

If the Library denies all or a portion of a PRA request, the requesting person may appeal such denial to the Library Director within 10 calendar days of the date on the written PRA response. Failure to timely appeal such a denial shall be construed as consent to the denial and a waiver of rights.

The Library Director or designee shall respond to any appeal made under this provision in a writing within 10 calendar days of receipt, containing the reasons for such denial, which decision shall be final.

E. FEES FOR DISCLOSING COPIES OF PUBLIC RECORDS

1. Fees for Hard Copies

The Library will charge fees for providing hard copies of responsive, disclosable public records in the fee amounts set by the Library Commission for duplication of Library materials, representing the direct costs of the duplication.

In addition, should the requesting person ask for delivery of copies of the records, the Library shall charge the requesting person the postage or delivery costs actually (or expected) to be incurred as a prerequisite to sending the records.

2. Fees for Electronic Copies

No fee shall be charged for providing an electronic copy of a public record via email. If electronic copies are requested to be provided on a disk or flash drive, then the requesting person shall pay for the cost of the storage device.

If a requesting person asks the Library to provide information in an electronic format which does not already exist, and converting the information into the electronic format requires programming or other computer services, then the requesting person shall pay the cost of such services (Government Code § 7922.530.) The fee to be charged the requesting person shall be the cost of performing the computer services as incurred by the Library, either through use of its own staff or through an outside vendor.

IV. Procedures:

A. RECEIVING AND FORWARDING REQUESTS FOR PUBLIC RECORDS TO PRA COORDINATOR

PRA requests may be made orally or in writing, though staff may ask that a PRA request be made in writing to ensure its correct interpretation and processing. The Library will enable the public to make PRA requests online via the Library's website, which the public is encouraged to utilize.

Under the PRA, the requesting person's motive for making the request is irrelevant. Accordingly, staff shall not require the requesting person's purpose or motive in making a particular PRA request. Staff may inquire into the purpose for the request in order to avoid denying a request or to better respond, but a requestor is not required to respond.

1. PRA Coordinator

Upon receipt of a PRA request, staff are directed to forward the request as soon as is practicable to the PRA Coordinator for response. The Director shall designate the staff person performing the services of the PRA Coordinator.

The PRA Coordinator shall be responsible for addressing PRA requests, including receiving PRA requests, tracking those requests, coordinating the identification and location of records sought in the request, gathering such records, and providing a response to the requesting person as well as access to the public records.

2. Processing Public Records Act Requests

Upon receipt of a PRA request, the PRA Coordinator should take the following actions.

a. Log and Track the Request:

The PRA Coordinator shall log and track all PRA requests received by the Library in a format designed ensure proper compliance with the PRA as well as accountability.

b. Review:

The PRA Coordinator shall conduct an initial review of each PRA request to determine whether it is sufficiently certain to enable a response. If a PRA request is uncertain or ambiguous, the PRA Coordinator should either (i) contact the requesting person to ascertain the nature and scope of the request, or (ii) identify the presumed nature and scope of the request in the written response (to allow the requesting person to understand how the request was interpreted and to follow up on it if desired).

c. Locate Documents:

The PRA Coordinator acts as the point person in locating and gathering together the non-exempt documents sought in the PRA request.

d. Prepare PRA Response:

Initial Response - The PRA Coordinator will provide a written response to the person submitting the PRA request within 10 calendar days of its receipt acknowledging receipt of the request and providing an anticipated timeline for production of responsive, disclosable records (Government Code § 7922.535.) If all responsive, disclosable records have been identified within 10 days, the initial response may include such records, any grounds for withholding or redaction, and the name, title, and contact for the person responsible for such determination.

Production Response – Once all responsive, disclosable records have been identified, the PRA Coordinator shall provide a second written response to the requestor that lists each grounds the Library relied on to withhold or redact responsive records, if any, or explain that the Library has no responsive records, and identifies the name, title, and contact of the person responsible for making such a determination.

The PRA Coordinator may contact the Library's General Counsel to determine the scope of any exemptions under the PRA and whether they apply in a particular instance.

e. Additional Time for Initial Response:

If unusual circumstances render it impracticable to respond to a PRA request within the 10-calendar-day requirement, then the PRA Coordinator should send a letter to the requesting person indicating that up to an additional 14 days may be needed to respond to the PRA request. (Government Code § 7922.535(b)-(c).) Unusual circumstances include:

- i. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- ii. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
- iii. 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 having substantial subject matter interest therein.

- iv. The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

f. Disclose Records:

Generally, records to be provided in response to a PRA request shall be given in the format in which the Library holds the information. The PRA also contains certain requirements regarding the production of records in electronic format, as follows.

- i. **Electronic Format:**

Generally, if a requesting person asks for the information to be produced in an electronic format, then the Library should comply with the request if practicable. However, if doing so requires programming or computer services, then the requesting person shall pay the cost of such services (see Section III.E.2, above). In no event shall proprietary software be disclosed in response to a PRA request.

- ii. **Records on Website:**

Requested records may be provided on the Library’s website, and the requesting person may be directed to the location on the Internet where the record is posted. If the requesting person is unable to access the Internet or reproduce a copy from the website, then the Library shall provide a hard copy of the record pursuant to the terms of this policy.

V. Applicable Law:

- Library Services Act, California Education Code section 18700-18767
- California Constitution, particularly Article I, section 1 (Right of Privacy)
- California Evidence Code, particularly section 1040
- California Public Records Act, California Government Code section 7920.000, et seq.

VI. Revision History:

Policy Number	Effective Date	Significant Changes	Approved By	Previous Policy Number and Date
1002	1/07/2019	New	Library Commission	N/A
1002	7/06/22	None - clarifications	Library Commission	1002
1002	3/06/23	None - CPRA citations updated effective January 2023	Library Director	1002