

## **Public Records Request Policy of West Point Fire Protection District**

### **Purpose:**

To establish District policy and guidelines concerning accessibility of West Point Fire Protection District (District) records.

### **Background:**

Section 6253 of the Government Code provides that every person has a right to inspect any public record except those specifically exempted by law.

"Public record" is defined by law to include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the District regardless of physical form or characteristics.

### **Policy:**

Records of the District are open to inspection at all times during normal office hours at the District's headquarters located at 195 Spink Road, West Point, CA, 95255. Every person has the right to inspect any District record except those records exempted by statute from public disclosure.

### **Procedure:**

1. Records may be requested orally, in person at 195 Spink Road, West Point, CA 95255, or in writing by mail at PO Box 315, West Point, CA 95255 or by email at [tmiller@westpointfire.org](mailto:tmiller@westpointfire.org).
2. Requests must be reasonably clear to assist the District in locating the request. The Fire Chief, to the extent reasonable, will assist the individual in identifying records that are responsive, describe the information technology in which the record exists, and provide suggestions for overcoming any practical basis for denying access to the record.
3. A public records request need not state its purpose or describe the intended use of the records sought. The District will not provide records in a format that it does not use. A request can only be made for records existing at the time of the request.
4. Upon receipt of a Public Records Request, the District will respond within 10 calendar days. If a request is made on a weekend or holiday, the next business day may be considered the date of receipt. If the 10th day falls on a weekend or holiday, the next business day will be considered the deadline for responding to the request. The District reserves the right to extend the 10-day response period an additional 14 calendar days, only under certain circumstances:

- a) To search for and collect requested records from other sources other than our own.
- b) To search for and collect a voluminous amount of records demanded in a single request.
- c) To consult with another agency having a substantial interest in the request.
- d) Upon consent of the requester.

If the District exercises its right to extend the 10-day deadline, it will do so in writing, providing an explanation for the extension and the anticipated date of response. The 14-day extension may be further extended as necessary.

- 5. The District shall respond to the records request as such:
  - a) Disclose the record
  - b) Indicate the place within which the inspection must be made and the time limitation, if any, for return of the documents.
  - c) Disclose the record in redacted form to remove any exempt or privileged information.
  - d) Supervise and assist the requestor in reviewing the records.
  - e) Provide copies upon request and after payment of the appropriate fees.
- 6. The District may temporarily deny or restrict inspection of public records under the following circumstances:
  - (a) At the time of the request, the records are required by District staff in performing their duties.
  - (b) Other persons are inspecting or are waiting to inspect the records.
  - (c) The records need to be retrieved from storage.
  - (d) At the time of the request, supervision of inspection of the records is not possible because of the unavailability of appropriate District personnel.
  - (e) A question exists as to the possible exemption of the record from disclosure and the matter must be referred to legal counsel for determination.
- 7. Any notification of denial of any request for records shall set forth the name and title or position of the District personnel responsible for the denial.

**Fees:**

A request for a copy of an identifiable public record, for information produced from such a record, or for a certified copy of such a record, must be accompanied by payment of the appropriate fee as determined by District staff based on cost to the District. Any fee established may be modified from time to time by District staff to reflect actual chargeable costs.

**Records Not Open for Inspection:**

The following is a partial list of records not open for public inspection:

- 1. Personnel, medical, or similar files for employees
- 2. Tests questions and scoring keys for employment exams
- 3. Preliminary drafts of documents not retained by the District
- 4. Records pertaining to pending litigation

5. The District also possesses the discretion to claim an exemption in those instances where the public interest served by not making the record public clearly outweighs the public interest served by disclosure.

Adopted:

September 20<sup>th</sup>, 2023

West Point Fire Protection District Board of Directors