



ROWLAND WATER DISTRICT  
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## **PUBLIC RECORDS POLICY**

Adopted August 10, 1993

### **Section 1:**

#### **POLICY**

It is the policy of the Rowland Water District to provide the public full and prompt access to all public records within the custody of the District, subject only to those restrictions necessary to insure the right of privacy of individuals, provide for the preservation and integrity of public records, and otherwise secure the public interest as provided under the California Public Records Act (Government Code Section 6250 et seq.). These regulations are enacted pursuant to Government Code Section 6251 to establish the procedures to be followed when making records of the District available for public inspection.

### **Section 2:**

#### **MANNER OF REQUESTING PUBLIC RECORDS**

- 2.1 Requests Must be in Writing.** All requests for public records of the District must be made in written form whether the request is for copies of documents or merely for examination of District documents. The request shall clearly identify the document, record or information requested and the person making the request shall state whether the request is to examine the records or for copies. Requests shall be dated and signed. The District shall provide forms at the District business offices which may be completed by persons requesting public records.
- 2.2 Requests to Examine Public Records.** Requests to examine public records of the District, which do not involve a request for copies shall be processed as soon as possible after receipt. Within one hour of the time the request is received, either

(1) the requested non-exempt documents shall be produced for examination by the requesting party, or (2) if the request is denied, a written response stating the reasons for the denial of the request will be provided to the requesting party. The one-hour time period will be extended if one of the following extenuating circumstances exists:

**2.2.1** There is a reasonable uncertainty as to the status of the requested documents, records or information as exempt under the Public Records Act requiring the reviewing official to seek advise of District Counsel.

**2.2.2** The requested documents, records or information are located offsite and require additional time for retrieval or require a search of voluminous records and additional time is required to locate the items requested.

**2.2.3** The requested documents, records or information contain some matter which is exempt from disclosure under the Public Records Act, and time is required for District personnel to produce a copy with exempt information excised.

If extenuating circumstances make immediate inspection impossible, the documents, records or information will be made available as soon as reasonably possible or by appointment at a time mutually agreed between the reviewing official and the requesting party.

**2.3 Examination of Public Records.** In every case where original District records are produced for examination by a requesting party, the examination of such records shall take place on the premises of the District offices in a suitable area designated by the reviewing official, shall be conducted only during the District's regular business hours, and shall be under the observation of a District employee. These requirements are intended to insure the security of the original records against tampering or theft. The following restrictions shall apply to every person examining original District records:

**2.3.1** No document, record or information or any portion thereof shall be removed from the place where the examination of records is conducted or from the file, notebook, book, folder, or other compilation in which it is contained.

**2.3.2** No person examining original District records shall write upon or make any mark on such record or obliterate any writing or information therein, or destroy, mutilate, deface,

alter or falsify any District document, record or information in whatever form presented.

**2.3.3** The District employee observing the examination of documents is authorized to terminate the examination or limit or restrict the manner of examination to the extent necessary to insure the protection of the District records. The party examining records shall comply with the instructions of District staff, but may appeal any restrictions or the termination of an examination to the reviewing official.

## **2.4 Requests for Copies.**

**2.4.1** The District will respond to written requests for copies of identifiable public records within ten (10) calendar days of receiving the request. The response time may be extended up to an additional ten (10) calendar days in unusual circumstances, including the need to search for and collect the records from offsite storage or the need to search voluminous records to locate the documents, records or information requested.

**2.4.2** If the request is denied in whole or in part, the response will be given to the requesting party in writing by personal delivery or by mail and will state the reasons for the denial and will be signed by the reviewing official.

**2.4.3** If the request is approved in whole or in part, the response will be given to the requesting party in writing and will identify the documents, records and information to be produced and will state that copies will be released to the requesting party upon payment of the actual copying costs in an amount specified in the response. The cost per page of records copied will be the cost of materials, but will be a minimum cost of ten cents (\$0.10).

**2.4.4** Payment for copying costs shall be made in cash or by check drawn on a California bank, or by money order and shall be made at the time the copies are released. If the requesting party desires the copied records to be mailed, postage costs shall be paid along with copying costs prior to mailing.

**2.4.5** No charge will be made for search, retrieval or staff time in making copies, unless specifically authorized by statute.

## Section 3:

### REVIEW FOR EXEMPTION

- 3.1 Review by Reviewing Official.** Every request for public records, whether for examination or copies, shall be reviewed and approved by an authorized reviewing official before any District employee shall disclose District documents, records or information. Brochures, pamphlets, newsletters and other informational material produced or provided by the District specifically for public distribution are excepted from the review requirement; such materials shall be specified by the General Manager to District staff.
- 3.2 Designation of Reviewing Officials.** The Board of Directors shall designate those District personnel who shall have exclusive authority to review and approve public records requests ("reviewing officials"). The Board of Directors has designated the General Manager and the District Executive Secretary as reviewing officials. Additional reviewing officials may be designated by the Board at its' discretion.
- 3.3 Review Procedure.**
- 3.3.1** All requests for public records shall be in written form either on the District's request form or in letter form and shall contain the information required in Section 2.1. If a person makes a verbal request for documents, records or information to a District staff member, the staff member shall direct the requesting party to submit the request in writing and shall offer the requesting party a copy of the District's public records request form.
- 3.3.2** Requests for public records shall be submitted to a reviewing official immediately upon receipt by a District staff member. If a reviewing official is not available, the staff will make every reasonable effort to contact a reviewing official as soon as possible, such that the one-hour time period for producing records for examination may be met. No records, documents or information shall be released without review and approval of the request by a reviewing official.

**3.3.3** If the request is for copies of documents, the staff member shall advise the requesting party that a response will be given within ten (10) days of receipt of the request.

**3.3.4** The reviewing official shall review the request to determine whether the requested documents, records, or information are exempt from disclosure or subject to disclosure under the District policy and the Public Records Act. The reviewing official shall examine records prior to disclosure if there is a possibility that exempt material is contained in the documents along with material subject to disclosure and, if so, shall direct District personnel regarding the deletion or obliteration of such material on copies disclosed pursuant to the request. If there is a question whether documents, records or information requested is exempt from disclosure, the reviewing official shall consult with District Counsel prior to disclosure of such material.

**3.3.5** The reviewing official may determine on the facts of a particular case that the public interest served by not making a requested record public clearly outweighs the public interest served by disclosure of the records and may deny a request on that basis. Such determinations should be reviewed with District legal counsel, but review by legal counsel shall not be mandatory.

**3.3.6** In the case of requests for examination of public records, the reviewing official may direct District staff to make such records immediately available if the review official determines that the requested documents, records or information are subject to disclosure. The reviewing official shall designate a place for the examination of records to take place and shall designate a District employee to observe the examination and prevent any tampering with or theft of original District records.

**3.3.7** In cases where a request to examine District records is denied and in cases of requests for copies, the reviewing official shall give a written response which shall include the information required by Sections 2.2, 2.4.2, or 2.4.3, as appropriate. The reviewing official shall be identified in and shall sign all written responses. Written responses to request

to examine documents shall be given within one hour of receipt of the request whenever possible. Responses to requests for copies will be given within ten days of receipt of the request, unless unusual circumstances justify an extension of time.

**3.3.8** All written requests for public documents received by the District shall be retained by the District.

## **Section 4.**

### **EXEMPT AND NON-EXEMPT RECORDS**

**4.1 Exempt Records.** The following described District records are exempt from disclosure under the Public Records Act and **shall not** be disclosed pursuant to public records requests, but shall be kept confidential for District use only.

**4.1.1** Personnel records of District staff and employees (Government Code Section 6254 (c)).

**4.1.2** Medical and insurance records of District staff, employees and Directors (Government Code Section 6254 (c)).

**4.1.3** Customer's account histories, **except** when requested by the customer to whom the information pertains (Government Code Section 6255).

**4.1.4** Preliminary drafts, notes, inter- and intra- agency memoranda which are not retained by the District as permanent records (Government Code Section 6254 (a)).

**4.1.5** Documents pertaining to pending litigation which were created in connection with the litigation and were intended to be confidential (Government Code Section 6254 (b)).

**4.1.6** Test questions and scoring keys for tests given by the District as a condition of employment or promotion (Government Code Section 6254 (g)).

**4.1.7** Customer lists when requested for advertising or other commercial purposes (Government Code Section 6255).

**4.1.8** Minutes of and memoranda and other materials distributed in a closed session of the Board of Directors (Government Code Section 6254.25).

**4.1.9** Forwarding addresses of customers, **except** when requested by law enforcement officials.

**4.2** **Non-Exempt Records.** The following described District records are determined to be subject to disclosure under the Public Records Act and shall be made available or copies provided upon request by any member of the public.

**4.2.1** Minutes of Board meetings and materials provided to Directors at Board meetings, except for minutes and materials from closed sessions of the Board of Directors (Government Code Section 6254.25).

**4.2.2** District's audit statements and financial reports.

**4.2.3** All Statements of Economic Interest, Campaign Committee Statements and other reports filed with the District pursuant to the Political Reform Act (Government Code Section 81000 et seq.).

**4.2.4** Expense and disbursement records.

**4.2.5** All ordinances, resolutions, regulations, policies and procedures of the District.

## **Section 5.**

### **PROTECTION OF PUBLIC RECORDS**

Every District employee shall exercise due care to protect District records from theft, destruction, mutilation, alteration or falsification and shall report any incident of tampering with District records by any person to a reviewing official whenever observed. No District employee shall willfully or intentionally remove, conceal, destroy, mutilate, deface, alter or falsify a public record. Violation of this Section may result in termination or other employment disciplinary action, as well as subject the employee to criminal penalties.