

CHAPTER 2: Administration and General Institution
ADMINISTRATIVE PROCEDURE NO. 2.40.1 (AP 3300)

ADMINISTRATIVE PROCEDURE
San Mateo County Community College District

Subject: AP 2.40.1 Public Records
Revision Date: 9/12
References: Government Code Sections 6250 et seq.

1. Members of the public may request to inspect or copy public records. A request by a member of the public may be delivered by mail or in person to the Executive Assistant to the Board of Trustees.
2. Any request shall identify with reasonable specificity the records that are sought. If additional information is needed, the Executive Assistant to the Board may request it be provided in writing.
3. Any request to inspect records shall be made sufficiently in advance of the date of inspection to allow staff members time to assemble the records and identify any records that may be exempt from disclosure.
4. Records that are exempt from disclosure under the Public Records Act or any other provision of law may not be inspected or copied by members of the public. Social security numbers must be redacted from records before they are disclosed to the public.
5. Members of the public shall be assisted in identifying records or information that may respond to their request. Assistance that will be provided includes: the information technology and physical location in which the records exist; practical suggestions for overcoming denial of access to the records or information; and the estimated date and time when the records will be made available.
6. Within ten days, the Director of Community/Government Relations will determine whether or not the records can be produced and will communicate the determination to the member of the public requesting the record(s).

The Public Records Act presumes that all records of a public agency are public, unless specifically exempted by law. (See Government Code Sections 6254 et seq. and 6275 et seq.) Any questions about whether a document is exempt should be referred to counsel.

7. The most common exemptions for community colleges include:
 - a. Student records (Education Code Section 76243)
 - b. Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding the records clearly outweighs the public interest in disclosure. (Government Code Section 6254(a))
 - c. Records pertaining to pending litigation ...or to claims...until the pending litigation or claim has been finally adjudicated or otherwise settled. (Government Code Section 6254(b))
 - d. Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code Section 6254(c))

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- e. Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination [except for standardized tests provided for by Education Code Sections 99150 et seq.]. (Government Code Section 6254(g).)
- f. The contents of real estate appraisals or engineering or feasibility estimates and evaluations...relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained. (Government Code Section 6254(h)).
- g. Internet posting of home address or telephone numbers of local elected officials (Government Code Section 6254.21)
- h. Home addresses and home telephone number of employees of a school district or county office of education (other than to an agent or family member of the employee, to an officer of another school district when necessary, to an employee organization, or to an agency or employee of a health benefit plan.) (Government Code Section 6254.3)
- i. Records regarding alternative investments (i.e. an investment in a private equity fund, venture fund, hedge fund, or absolute return fund; limited partnership, limited liability company or similar legal structure) involving public investment funds, unless already publicly released by the keeper of the information.
- j. Information security records, if disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, the District's information technology system.



PUBLIC RECORDS ACT REQUEST FORM

To expedite your request and to eliminate opportunities for error, please fill out this form completely with as much detail as possible and identify specifically the records you are requesting. Under the California Public Records Act, requests should reasonably describe identifiable records that you believe are prepared, owned, used or retained by San Mateo County Community College District (the "District"). While the District is committed to disclosure of existing records that fall within the scope of the Public Records Act, the law does not require the District to create new documents in order to respond to your request.

Please note that if you are requesting the opportunity to inspect records stored at this office, the District must be given time to locate and review any documents that may be responsive to your request in order to comply with the provisions of the Public Records Act. You will, therefore, be requested to make an appointment to return at a later date to view the documents. In any event, the SMCCCD will respond to your request within ten (10) days to inform you of whether there are documents that are responsive to your request and/or exempt from disclosure under the Public Records Act.

You will be charged the direct cost of duplication for any documents or sets of documents received that are over ten (10) pages in length. **Documents will not be copied until payment has been received.** Please carefully read the information below for information on copying costs and other pertinent information.

REQUESTER INFORMATION

Name: _____ Date: _____
Company: _____
Mailing Address: _____
City: _____
State/Zip Code: _____
Phone number: _____ Fax number: _____
Email address: _____
Preferred method of contact in the event of questions: _____

REQUESTED RECORDS

Time period covering documents requested: _____

☐ I wish to inspect the requested records, where applicable, and do not want copies produced at this time.

☐ I would like copies of the requested records and I understand that I will be contacted with a count of the number of pages to be copied and their cost prior to copying. I understand and agree that I will be required to make payment for the copying costs prior to the documents requested being copied.

Signature of Requester

Return completed records request form, by mail or email, to:

By Mail	By Email
SMCCCD Executive Assistant to the Board 3401 CSM Drive San Mateo, CA 94402 Attn: Public Records Request	brooksv@smccd.edu

Charges

The charge for copies of any specifically described and identified public records not exempt from disclosure is \$.10 per page for copied documents, except there will be no charge for less than ten (10) pages. Paper copies generated from computer database programs, diskette or microfiche are \$.10 per page. Copied audio files are \$12.00 each. Records stored by the SMCCCD in electronic format will be provided in the same electronic format when requested by any person. Direct costs incurred by the SMCCCD in providing certain electronic data, including direct costs of redacting confidential information or information not otherwise subject to disclosure, shall be paid by the recipient. The SMCCCD is not required to produce records in an electronic format when the requested records are not available in electronic format at the time of the request

Remit check, **payable to “San Mateo County Community College District”** to:

By Mail
SMCCCD Executive Assistant to the Board 3401 CSM Drive San Mateo, CA 94402 Attn: Public Records Request

San Mateo County Community College District Public Records Policy

2.40 Public Records

1. Public records that are subject to inspection under the Public Records Act are made available for inspection by the public during the regular office hours of the District Office and Colleges.
2. Requests for inspection or copying of public records shall be directed to the Executive Assistant to the Board.
3. If the request is to inspect documents rather than to receive copies of documents, the Executive Assistant to the Board will arrange with the requestor an appointment for a future date to allow District staff to gather the documents and review them for compliance with the provisions of the Public Records Act.
4. Upon proper request for inspection or copying of public records, the District shall, within 10 days, notify the requestor whether there are documents that are responsive to the request and/or exempt from disclosure under the Public Records Act and when records can be made available.
5. A copying fee shall be levied for each copy of a page of a public record requested by members of the public. Requests for information regarding copying fees shall be directed to the Executive Assistant to the Board.
6. If the District has an identifiable public record in an electronic format, the requestor may request either the electronic record or a printed copy of the record. The requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:
 - a. The District would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals;
 - b. The request would require data compilation, extraction, or programming to produce the record.
7. Social security numbers shall be redacted from records before they are disclosed to the public.
8. Records that are exempt from disclosure under the Public Records Act or any other provision of law may not be inspected or copied by members of the public.

Reference: Government Code Sections 6250, et seq., 6253, 6253.9