

III. CALIFORNIA'S PUBLIC RECORDS ACT

A. DEFINITIONS

1. A public record is broadly defined to include any writing containing information relating to the conduct of the public's business which is prepared, owned, used or retained by any state or local agency regardless of its physical form or characteristics. It does not matter whether the records are kept in the file room or at an individual's desk. If they contain information relating to Department affairs, they are public records. (Emphasis added.)

2. Writing is broadly defined as handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents. Thus, "writing" includes records on computers, including electronic mail.

B. GENERAL REQUIREMENTS

1. The California Public Records Act, Government Code §6250 et seq., requires that records kept by state agencies in the ordinary course of business be made available promptly to members of the public on request.
2. The Department, upon any request for a copy of a public record(s), shall determine within 10 working days after receipt of such request whether to comply with the request and shall immediately notify the requestor of such determinations and the reasons therefore.
3. All public records will be released unless the records are exempted and the public interest is served by nondisclosure.
4. The Public Records Act establishes what must be disclosed at a minimum. Since the Department's policy favors disclosure, the public interest served by nondisclosure must always be considered in reaching a decision on releasing a particular document. Where the balance favors nondisclosure, the requestor must be notified in writing of the decision and the reasons for denial must be included.
5. The exemptions provided in §6254 of the Public Records Act are permissive and not mandatory. Thus, nothing in that section prevents the Department from opening its records to public inspection, unless there is another law specific to that record, which prohibits disclosure.