

XIII. ENFORCEMENT OF RIGHT TO INSPECT



The Department will release public records in compliance with applicable statutes. It is the Department's commitment to try to accommodate these requests. However, there may be circumstances where a requestor believes that the Department has not reasonably complied with his or her public records requests. Requestors may consult with the Department's Deputy Director for External Affairs or Chief Counsel to resolve disputes concerning public records requests. Any person may also go to court to enforce the right to inspect or receive a copy of any public record. The court will order the person withholding the record to show cause why he or she should not disclose the record. The court may then review the record itself. If the court finds the withholding to be in error, it will order the documents released. (Government Code §§ 6258 and 6259).

If the person requesting the records wins the lawsuit, the court will order the Department to pay the person's reasonable attorney fees and court costs. If the person loses, the Department may receive attorney fees and costs if the case was clearly frivolous.