



How to Utilize the California Public Records Act (CAPRA)

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- What is the CAPRA?
- Defining CAPRA terms
- Who can request information
- Public Records vs Not Public Records
- Types of Requests
- Content of Requests
- Times Periods to Respond to Requests

A person wearing a white button-down shirt is shown from the chest down, pointing their right index finger towards a screen. The background is blurred, suggesting an office or meeting environment.

Brief Overview

Who are we?

We are not attorneys.

Nothing we say supplements doing your own research and seeking your own legal advice.



A Little History

With clarification of purpose

Origins of the Public Records Act

The California Public Records Act (the PRA) was enacted in 1968 to: (1) safeguard the accountability of government to the public; (2) promote maximum disclosure of the conduct of governmental operations; and (3) explicitly acknowledge the principle that secrecy is antithetical to a democratic system of “government of the people, by the people and for the people.”¹ The PRA was enacted against a background of legislative impatience with secrecy in government and was modeled on the federal Freedom of Information Act (FOIA) enacted a year earlier.² When the PRA was enacted, the Legislature had been attempting to formulate a workable means of minimizing secrecy in government. The resulting legislation replaced a confusing mass of statutes and court decisions relating to disclosure of government records.³ The PRA was the culmination of a 15-year effort by the Legislature to create a comprehensive general public records law.



Most recent update

No major changes

2023 Revisions to the Public Records Act

In 2021, the legislature enacted the **CPRA Recodification Act** (AB 473). This Act, **effective Jan. 1, 2023**, renumbered and reorganized the PRA in a new Division 614 of the Government Code, beginning at section 7920.005. **Nothing in AB 473 was “intended to substantially change the law relating to inspection of public records.”⁴** **The changes were intended to be “entirely nonsubstantive in effect.** Every provision of this division and every other provision of [AB 473], shall be interpreted consistent with the nonsubstantive intent of the act.”



Public Information Requests

Should be purposeful.

Should be meaningful.

Should keep in mind the value of staff time.

Should be in the best interests of serving our students.

Sample Letter:

DATE

Office of the Superintendent

To Whom it May Concern:

Pursuant to the state open records law Cal. Gov't Code Secs. 6250 to 6277, I write to request access to and a copy of all school board minutes (regular and special) dating from January 1, 1975 through January 1, 1985. If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.

I agree to pay any reasonable copying and postage fees. Please provide a receipt indicating the charges for each document.

As provided in the open records law, Sec. 6253(c), I will expect your response within ten (10) business days.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

I would note that willful violation of the open records law can result in the award of court costs and reasonable attorney fees. See Sec. 6259(d).

Thank you for your assistance.

Sincerely,

How to Utilize the California Public Records Act (CAPRA)

What is the CAPRA?

The California Public Records Act requires that governmental records be accessible to the public when requested, unless exempt by the law.

- Requests for identifiable, disclosable records must be responded to within timeframes and promptly available for anyone who pays duplication costs or statutory fees.
- If improperly withheld, the public may seek court order and may receive payment for court costs and attorney fees if they win the lawsuit.



Defining CAPRA terms

- Public record - writing with information related to the public's business by any state or local agency
- Writing - any handwriting, typewriting, printing, photo-stating, photographing, photocopying, transmitting by electronic mail or facsimile, and other means of recording
- Requests do NOT need to state its purpose or use
- Requesters do NOT have to justify or explain the reason exercising their right of access

Who can request information?

Any person or entity (Examples: media, for-profit businesses, and public entities)

The right is not limited to:

- Persons who are constituents outside of a district
- A person who lives in a different city, country, or state can access district records



Public Records

- Memos
- Emails
- Presentations
- Data
- Audio Recordings
- Agendas
- Proposals and Contracts
- Bulletins



NOT Public Records

- Personal or medical records if disclosure is an unwarranted invasion of privacy
- Investigative records
- Pending litigation or claims
- Attorney-client privileged communications
- Student records



Is every writing a public record?

- NO, not all writings are public record for CPRA
- Key element for CPRA: if writing is kept because it is necessary or convenient to official duties

Types of Requests

The public can access public records by:

- Requesting to inspect records
- Receiving a copy of identifiable records



Manner of making requests:

- In writings (paper or electronic)
- Mailed, emailed, faxed, personally delivered, orally (in-person), or by phone

Content of Requests

- Indicate public record is sought and focused enough to describe an existing, identifiable record
- May describe writings by content and do not require identification of documents themselves
- Agencies do NOT have a duty to comply with requests that seek records that do not exist

Time Periods to Respond to Requests

- Agencies determines within 10 calendar days after the date of request receipt if records may be disclosed and promptly notify requester
 - Considered dates and time depend on the business hours of receipt and if it is a holiday or weekend
- If there are identifiable public records, then determination must state the estimated time and date when records may be available



Unusual Circumstances

In unusual circumstances, the time limit to initially reply may be extended by written notice.

- It would say the reasons for the extension and the date which a determination is expected to be made
- The extension CANNOT be more than 14 days

Unusual circumstances:

- Need to search for records in separate offices
- Consult with another agency with interest in the record
- Voluminous amounts of records
- Compile data or create a program to extract data

Time Period for Disclosing a Record

- Notifying a requester: initial 10-day response and 4-day extension time periods
- The CPRA does NOT require that records be produced within time periods
- Records are made available "promptly" once the determination has been made



For More Information

Guide to CA Public Records Act:
tinyurl.com/CAPublicRecordsAct



Thank You

Resources:

ACLU Southern CA

https://www.aclusocal.org/sites/default/files/how_to_utilize_ca_public_records_act.pdf

The People's Business A GUIDE TO THE CALIFORNIA PUBLIC RECORDS ACT (REVISED SEPTEMBER 2022)

<https://www.calcities.org/docs/default-source/city-attorneys/the-people's-business-2022.pdf>

Public Records Act Training Office of the California Attorney General

<https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/pract.pdf>

https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/summary_public_records_act.pdf