

ADMINISTRATIVE REGULATION 3300

SOUTH ORANGE COUNTY
COMMUNITY COLLEGE DISTRICT

GENERAL INSTITUTION

PUBLIC RECORDS

Members of the public may request to inspect or receive a copy of public records. A request by a member of the public may be delivered by mail, by email, or in person to the Office of Public Affairs.

Any request shall identify with reasonable specificity the records that are sought. If additional information is needed, the Office of Public Affairs may request it be provided in writing.

Any request to inspect records shall be made sufficiently in advance of the date of inspection to allow staff time to assemble the records and identify any records, or portions thereof that may be exempt from disclosure.

- Records may be inspected during normal business hours.
- A District employee will be present during any inspection of records.
- Records may not be removed from District premises for inspection.

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, birth dates, and personal banking account information must be redacted from records before they are disclosed to the public. Any questions about whether a document is exempt from disclosure shall be referred to the Chancellor or designee and may be referred to legal counsel.

Members of the public shall be assisted in identifying and locating 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.

Upon receipt of a request for copies of one or more records, within ten (10) calendar days, the Office of Public Affairs 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). When permitted by applicable law due to the scope, complexity, volume, location of records, need for consultation, or other circumstances authorized under the California Public Records Act, the District may extend its response period and will provide written notice to the requestor explaining the basis for the extension.

- If the documents requested are determined to be disclosable public records, the Office of Public Affairs will inform the requestor of the estimated date they will be ready.

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- If the documents are posted on the website, the Office of Public Affairs will direct the requestor to the location on the website.
- If, despite the availability of a record on the website, the requestor seeks a copy of the record due to an inability to access or reproduce the record from the website, the Office of Public Affairs will promptly provide a copy of the record upon payment of the applicable copying charge.
- If the documents requested are determined not to be disclosable, in whole or in part, the notification of denial shall be in writing and shall set forth the names and titles or positions of each person responsible for the denial.

Public records may be made available in paper or electronic format. Copies of records shall be promptly available to any person upon payment of a fee covering direct costs of duplication which has been established at 25 cents per paper (photocopied) or electronic (scanned) page.

- The direct costs of duplication do not include the cost to the college and/or District of searching for, reviewing, and redacting responsive records.
- With respect to records requested in electronic format, the requestor shall bear the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record, if the electronic record is one that is produced only at otherwise regularly scheduled intervals, or the request would require data compilation, extraction, or programming to produce the record.
- No fee shall be charged for copies of Form 700 Statements.
- The Office of Public Affairs has discretion over the amount of fees assessed.

Public records include electronic communications that relate in a substantive way to the conduct of the public's business, including but not limited to emails, voicemails, and text messages on elected officials' and employees' private devices or accounts.

- The Office of Public Affairs shall make a reasonable effort to locate records on private devices or accounts.
- The Office of Public Affairs shall promptly communicate the request to employees and/or elected officials who may have responsive material on their personal devices or accounts.
- The elected official or employee will search their own personal devices and accounts for responsive material and will respond to the Office of Public Affairs with their results.
- Any elected official or employee who withholds personal records shall submit a declaration with facts sufficient to show that the withheld information is not a public record under the law.
- The Office of Public Affairs shall arrange for appropriate training on distinguishing between public records and personal records for employees and officials who may be required to search their personal devices or accounts for responsive material.

The most common exemptions for community colleges include:

- Student records (Government Code Section 7927.705 and Education Code Section 76243)
- Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the District 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 7927.500)
- Records pertaining to pending litigation or to claims until the pending litigation or claim has been finally adjudicated or otherwise settled. (Government Code Section 7927.200)
- Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code Section 7927.700)
- 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 7929.605)
- 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 7928.705)
- Internet posting of home address or telephone numbers of local elected officials. (Government Code Section 7928.205)
- Home addresses, home and personal cellular telephone numbers, and birth dates of employees of the District (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 7928.300)
 - Upon written request of any employee, the District shall not disclose the employee's home address, home telephone number, personal cellular telephone number, personal email address, or birth date to an employee organization and the District shall remove the employee's home address, home telephone number, and personal cellular telephone number from any mailing list maintained by the District, except if the list is used exclusively by the District to contact the employee.
- Personal email addresses of employees of the District (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), unless used by the employee to conduct public business, or necessary to identify a person in an otherwise disclosable communication. (Government Code Section 7928.300 subdivision (b))

- This exemption shall not be construed to limit the public's right to access the content of an employee's personal email that is used to conduct public business, as decided by the California Supreme Court in *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608.
- 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 investments funds, unless already publicly released by the keeper of the information. (Government Code Section 7925.305)
- 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. (Government Code Section 7927.700)
- Attorney-client confidential communications or attorney work product. (Government Code Sections 7927.705, 7929.000 et seq., Evidence Code Sections 952, 954)
- Identification number, alphanumeric character, or other unique identifying code that a district uses to identify a vendor or contractor, or an affiliate of a vendor or contractor, unless the identification number, alphanumeric character, or other unique identifying code is used in a public bidding or an audit involving the public agency. (Government Code Section 7928.715)

The District will comply with the provisions of Penal Code Sections 832.7 and 832.8 regarding the disclosure of specified peace officer and custodial officer personnel records when responding to Public Records Act requests.

References:

Government Code Section 7920 et seq.
Evidence Code Sections 952 and 954
Education Code Section 76243
Penal Code Sections 832.7 and 832.8
Other citations as listed above