

CITY OF STOCKTON, CALIFORNIA
CITY MANAGER ADMINISTRATIVE DIRECTIVE

Subject: REQUESTS FOR PUBLIC RECORDS OR RELEASE OF FILE INFORMATION	Directive No. LAW—02	Page No. 1 of 4
	Effective Date: 1/25/16	Revised From: 5/15/82 4/15/84 11/17/97 5/1/02 3/28/05

I. PURPOSE

To establish procedures for the release or withholding of information and/or documents.

II. POLICY

The California Public Records Act (Government Code §§ 6250 et seq.) embodies the legislative policy of the state by providing for accessibility to and copying of certain records, by defining what documents are "public records" and exempting certain types of records from general release. It is essential that the Act be followed to ensure proper release of information and to prevent disclosure of information which may compromise the City's position or defense in threatened or pending litigation of any type.

III. PROCEDURES

Most City documents are "public records" and will be released to the public promptly upon request. However, except for those specific documents mentioned below, a request for information form should be filled out and routed to the City Attorney's Office, with a copy to the City Manager's community relations designee, to determine if any exceptions to the Public Records Act apply. Requests should be processed as follows:

1. The original executed form shall be submitted to the Department or custodian of the document or information.
2. Requests for public records must sufficiently describe the records sought so that identification, location and retrieval can be accomplished. Verbal requests requiring a search for records should be confirmed in writing. The Department or custodian shall assist the requesting party by (a) attempting to identify the exact records or information that are responsive to the request; (b) describing the technology and physical location in

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which the records exist; and (c) providing suggestions for overcoming any practical basis for denying access to the records or information sought. If the records are located in more than one department, the department where the request originated shall coordinate the response from the other departments.

3. The Department or custodian shall notify the requesting party within ten days that the request will be processed within a reasonable time, unless an extension is necessary due to unusual circumstances or the requested information is privileged or exempt from the Public Records Act. A response (the record, notice of exemption or notice of extension of time to respond) will be provided to the City Manager's community relations designee. The City Manager's community relations designee will then provide the information to the requesting party by mailing to the address provided or, if requested, the requesting party may be notified by phone and arrange to receive the response. In the event the requesting party is a member of the media, the City Manager's community relations designee will provide the information to the City Council and to any affected member of the City Manager's Executive Team so they are prepared to respond to questions from the media.
4. The Department or custodian shall ascertain if the document or information requested is reasonably identifiable and contained in their files. The Department shall identify on the request form those documents which appear to respond to the request and the estimated cost of preparing the documents. The City is only obligated to produce the records upon payment of fees covering the direct costs of duplication or statutory fees and costs, if applicable.
5. The request form and a copy of the identified document(s), if less than five (5) pages, shall be forwarded to the City Attorney. If more than five pages, an explanation of the volume and content should be stated on the request form and arrangements made to deliver the file for evaluation.
6. The Department or custodian shall submit, with the form and documents(s), sufficient additional information to enable the City Attorney

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to determine if the document is a "public record" or if the information or any part of it is exempt from disclosure pursuant to Government Code §

6254 et seq. or any other exemption. The City Attorney's office will provide the City Manager's community relations designee with all materials to be included in the response.

7. Exceptions to above procedure:
- (a) This policy does not apply to the release of accident reports completed by the Police Department. See Vehicle Code section 20012 for those persons entitled to the accident report.
 - (b) Requests to the City Clerk for any staff reports or minutes of meetings of the City Council or any board or commission or for a duly adopted ordinance or resolution may be released without further review unless specific questions or issues apply to the particular request.
 - (c) Requests to the Community Development Department for copies of building permits and inspection records may be released without further review unless specific questions or issues apply to the particular request.
 - (d) Requests to the Housing and Redevelopment Department for copies of Inspection Reports and related materials, including all Notices issued by the Neighborhood Services Division regarding code enforcement matters may be released without further review unless specific questions or issues apply to the particular request.
 - (e) Requests to the Fire Department for inspection reports may be released without further review unless specific questions or issues apply to the particular request.
 - (f) Requests to the Administrative Services Department for copies of business licenses may be released without further review as long

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as any confidential information, including financial information, social security numbers, and home telephone numbers is blacked out.

- (g) This policy does not apply to documents intended for dissemination as public information or to requests that would require the City to compile data, perform research or create new records not currently in existence.
- (h) This policy does not apply to a subpoena for records (subpoena duces tecum) issued to a non-party witness in a case in which neither the City nor the Redevelopment Agency is a party. See LAW-004 for procedures applicable to the subpoena.
- (i) This policy does not apply to any subpoena issued by a party to a lawsuit in which the City or Redevelopment Agency is a party. Such subpoenas should be referred immediately and directly to the City Attorney's office for evaluation and processing.

APPROVED:



KURT O. WILSON
CITY MANAGER