



University of California

**Business and Finance Bulletin
RMP-14**

Public records: Principles, guidelines

Information Resources and Communications

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I. References

- Business and Finance Bulletin [RMP-10, “Instructions for Responding to Subpoena”](#)
- Business and Finance Bulletin RMP-13, “Information Privacy”
- California Public Records Act (PRA)

II. Definitions

Disclosure: To permit access to or the release, transfer, or other communication of information contained in a record, to any party, by any means, including, but not limited to, oral, written, or electronic means.

Exempt information: Information that, pursuant to one or more exemptions stated in Sections 6254-6255 of the Public Records Act, is not required to be disclosed to the public.

Non-record: Material that is of immediate value only. Non-records are not maintained as university administrative records, are not assigned retention periods, and are not subject to records disposition guidelines. Examples of non-records are provided in RMP-2 IV.B.

Personal information¹: Any information that describes an individual, including but not limited to his or her name, social security number, physical description, home address, home telephone number, education, financial matters, medical or employment history, and statements made by or attributed to the individual. The term “personal information” may be used interchangeably with the term “personally identifiable information.”

Public information: Information relating to the conduct of the public’s business that is published or disclosed upon request unless otherwise exempt from disclosure. In the case of information about individuals, the term refers to information that has been determined not to constitute an unwarranted invasion of privacy if publicly disclosed.

Record²: Any writing, regardless of physical form or characteristics, containing information relating to the conduct of the public’s business prepared, owned, used, or retained by an operating unit or employee of the university. “Writing” means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and any record thereby created, regardless of the manner in which the record has been stored.

¹ Definition is modeled on language contained in the California [Information Practices Act](#) (see Ca. Civil Code § 1798.3.(a))

² Definition is modeled on language contained in the California [Public Records Act](#) (see Ca. Govt. Code § 6252(e) and (f)).

Redact: To edit out, usually by making illegible (striking through, etc.), those pieces of information within a record that may not be disclosed, in order to be able to disclose the rest of the record within its original context.

III. Introduction

A. Purpose

The purpose of this Bulletin is to outline the university's obligations under the California Public Record Act (PRA), and to set forth general, universitywide operating guidelines for compliance with the Act.

B. Audience

This Bulletin may be of interest to anyone who creates, receives, or maintains records in the course of their university service. It will be of special interest to those who receive and/or respond to requests for records. The audience includes those making requests for records as well as those receiving the requests.

C. Scope

The PRA and this policy apply to all units and organizations across the university. The UC-managed DOE Laboratories, which are subject to federal records laws, adhere to the PRA as a matter of laboratory policy. The PRA and this policy apply to all records (as defined) that relate to the conduct of the public's business and are prepared, owned, used, or retained by an operating unit or employee of the university.

Library and museum materials, which are acquired or preserved solely for reference or exhibition purposes and for which there are well-established practices regarding their reference and use, are not included in the scope of this policy.

IV. Public records principles and requirements

A. Uphold the spirit of Public Records Act

The university adheres to the notion, as expressed in the preamble to the PRA, that "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state" (Ca. Government Code §6250). Within this framework, the university remains mindful of the privacy rights of individuals about whom information may be contained in university records, and other situations where the public interest may be better served by withholding access rather than publicly disclosing records.

B. Information about employees that is public

In its interpretation of the California Public Records Act (PRA), which stipulates that “every employment contract between a state or local agency and any public official or public employee is a public record” (Ca. Government Code § 6254.8), the university has determined that the following information items about university employees, while descriptive of specific individuals, will be published or disclosed if requested without the prior consent of the subject individual³. In the case of current employees, the information disclosed will pertain to his or her current position; in the case of past employees, the information disclosed will pertain to the last position held by the individual, if the information is still available at the time of the request.

1. employee name
2. date of hire or separation
3. position title
4. rate of pay
5. organization unit assignment, including office address and telephone number⁴
6. job description
7. career status
8. percentage of appointment
9. prior non-university employment

On a case-by-case basis, additional employment information may be required to be released to the public. Such determinations are made locally by the Information Practices Act Coordinator, in consultation with Counsel. Authority for determinations that affect all locations rests with the Senior Vice President—Business & Finance, taking into account the advice of the Vice President and General Counsel of the Regents, as appropriate. More information on information about individuals is contained in RMP-13, “Information Privacy.”

Below this line, the draft is not yet fleshed out. Headings and bulleted information are placeholders and meant to generate discussion.

³ Individual university locations may adopt procedures to notify employees regarding disclosures when such notifications are not otherwise prohibited by law

⁴ The compilation of employee address information is discussed in RMP-13 Section VI.B., Mailing lists and directories

C. What else constitutes public information?

- This is determined based on the contents of the record –does the record concern the public’s business?

D. What public information does the university withhold?

- This determination is also made based on the contents of the record. To be withheld from disclosure, a record must fall under a valid exemption or privilege.

2. Common exemptions – see law for complete list

a) *Personal information*

b) *Pending litigation*

c) *Trade secrets*

d) *Test scores*

e) *Exempt while negotiation is ongoing*

f) *Software*

g) *Other common exemptions?*

Labeling a record “confidential” or similar ultimately may have no bearing on the ability to withhold a record; it still must meet an exemption.

3. Effect of waiving an exemption

E. Information need not be previously published to be considered public

A record does not need to have been widely available to be public. Many records that university considers sensitive or even confidential must be released in response to requests, if the records concern the public’s business and no exemption applies.

F. Do not destroy records to avoid disclosure

This applies to records that have already been requested, as well as to anticipated requests.

1. Penalties for not disclosing

G. Not obliged to alter routine records practices

- No need to create a record (except if requestor willing to pay for programming to compile new reports or sets of records)
- Not obligated to alter treatment of non-records
- Not required to adopt new technologies to satisfy requestor requirements

1. Distinction between final-form record and information and data

- Requests for information – e.g., questions that may require research, such as “what year was the Santa Barbara campus established, and under what authority?” – may be handled differently than PRA requests; at times, such requests may be appropriately referred to public affairs, research librarians, etc. (See V.E.1.).
- Requests involving compilation of data, where a final-form record which addresses the topic does not currently exist.

H. Record medium issues

- The medium has no effect on the public record status of a record. The disclosability of a record is determined by content (see above), not by the medium in which it is stored. The medium in which the record copy is delivered to the requestor may affect the cost, which can differ between paper and digital media.

1. Special considerations – electronic records

Section 6253.9

I. Records lifecycle management in relation to PRA

See RMP-2 Sec. IV.D.

J. Conditions when recordkeeping outsourced

- Cannot avoid PRA requirements by outsourcing.
- Cannot send active records to storage or archives prematurely in order to avoid production.

K. Public record status of non-records

- There are vast accumulations of materials, especially electronic, that are not managed as administrative records, not readily searchable or accessible.

V. Operating guidelines

A. Requirements for requestors

1. Preferred format for requests

For clarity, written requests preferred (but cannot be required).

2. Accommodation for anonymous requests

3. Requestor need not cite the law

4. Requestor need not cite purpose of request

Sometimes this information may be helpful in locating records

5. Do not create barriers to legitimate internal use

No need to turn internal information requests into public record requests.

B. Time limit to respond to the request

1. Schedule for provision of records, if any

C. Amount to charge for copies

1. Direct costs of duplication – what this means

2. Copies provided on media other than paper

D. Records that contain both disclosable and exempt information

E. Other types of requests

1. Information requests

Some requests are really for information, not final form records; they may be more appropriately handled by public affairs than under public records auspices

2. Discovery of evidence in a legal proceeding

a) Subpoenas

These have different requirements, see RMP-10

3. Information Practices Act requests

4. HEERA requests

VI. Roles and responsibilities

A. General

Anyone handling a record request is obligated to assist the requestor in formulating their request.

B. Universitywide

1. Senior Vice President—Business and Finance

The Senior Vice President—Business and Finance in the Office of the President has universitywide responsibility for establishing public records policy. The Senior Vice President –Business and Finance is also responsible for universitywide compliance with the PRA.

2. Vice President and General Counsel of the Regents

The Vice President and General Counsel of the Regents assigns counsel and other staff to provide support and advice on the interpretation and fulfillment of the requirements of the California Public Records Act.

3. Associate Vice President—Information Resources and Communications (IR&C)

The Associate Vice President—IR&C in the Office of the President has been delegated universitywide responsibility for information practices policy. Specific duties attached to these responsibilities include the promulgation of universitywide policies in the information practices area (including the public records-related bulletins in the Records Management and Privacy (RMP) series of Business and Finance Bulletins (BFBs).

C. Local

1. Campus and Laboratory Management

The Chancellor of each campus, the Senior Vice President—Business and Finance in the Office of the President, the Vice President—Division of Agriculture and Natural Resources in the Office of the President, and the Director of each Department of Energy Laboratory managed by the University of California, is responsible for overall compliance with the Public Records Act at their respective locations. To facilitate this responsibility, each of these officers appoints a Public Records Coordinator. The Public Records Coordinator may be the same individual as the Information Practices Act Coordinator (see RMP-13 Information Privacy).

2. Campus, Laboratory, and Division of Agriculture and Natural Resources Management

- Role may be filled by the same official who is the Information Practices Act Coordinator (see RMP-13 Information Privacy), or by a separate Public Records Coordinator also appointed by Campus management
 - The public records function may be handled centrally and coordinated by this official, or if it is decentralized, this official oversees
- If a separate (from IPA Coordinator) Public Records Coordinator is appointed, or if public records duties are dispersed among more than one individual, ensure coordination among the parties and that contact information for individuals wishing to access or amend their records is prominent, clear, and accessible

VII. Related laws

A. IPA

B. HEERA

C. FOIA

D. State open meetings laws

[including effects of Proposition 59]

Appendix A: Public records responsibilities summary table

WHAT	WHO
Universitywide:	
UC-wide public records policy development	
UC-wide public records compliance	
public records act advice & interpretation to UC locations	
UC-wide public records training	
final determination on public records issues with UC-wide implications	

coordination of local public records act coordinators and/or -responders	
coordination of public records requests where more than one location involved	
Local (campus, UCOP, ANR, laboratory):	
local public records procedures development	
local implementation of UC-wide public records policy	
local public records advice & interpretation	
local public records compliance	
local public records training	
coordination of public records requests pertaining to one location	
response to public records requests pertaining to one location	
assign local public records act coordinator	