



MICHAEL N. FEUER
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
NEIGHBORHOOD COUNCIL ADVICE DIVISION

**QUICK GUIDE to the
CALIFORNIA PUBLIC RECORDS ACT**

Under the California Constitution and the California Public Records Act (CPRA), most government records are open to the public. Although neighborhood councils are not City departments or commissions, neighborhood councils comply with the CPRA given their advisory role to the City and their mission.

What is the CPRA?

The California Public Records Act (CPRA) is the law that governs access to public records. The purpose of the CPRA is to permit the public to understand how government conducts the people's business.

Who can make a request?

Any member of the public can make a CPRA request for public records.

Members of the public include:

- individuals
- businesses and
- organizations

What is a public record?

A public record is any "writing" containing information relating to the conduct of the public's business regardless of physical form or

characteristics. A "writing" is broadly defined and is any record, regardless of the location or manner in which the record has been stored.

Public records include, but are not limited to:

- handwritten notes
- typed documents
- e-mails
- text messages
- social media posts (Facebook, Instagram, Twitter, etc.)
- website posts
- computer files
- faxes
- photographs
- diagrams
- video and audiotapes
- maps

Does the request have to be in writing?

No. The request can be written or verbal. Members of the public do not have to put their request in writing. Nevertheless, you should confirm in writing to the requester receipt of the request and describe the nature of the request.

What is the deadline for responding to a CPRA request?

You must make a determination regarding the request in **10 calendar days**. In unusual circumstances, you can ask the requestor for an additional 14 calendar days to respond.

The 10 calendar day deadline is for the NC's determination, not a deadline for the records. You must either make the records **promptly available** for inspection and/or **promptly produce** copies of those records. A "prompt" response depends upon the records sought.

Even if part or all of the record requested is protected by an exemption, you still must respond to the requestor and explain why the record is exempt.

What if my neighborhood council does not have the record?

Even if your neighborhood council does not have the record, you must reply to the requestor stating that the NC does not have the record requested.

Do I have to assist a requestor?

Yes. You must reasonably help requestors identify records and

information your NC has which are relevant to the request. You must describe the location where records exist. You must also suggest ways to overcome any practical basis for denying the request.

Are any records protected?

Yes. Some specific types of records are exempt and do not have to be released.

Types of exempt records include:

- attorney-client communications or attorney work-product
- personnel, medical or similar information, which if released would be an unwarranted invasion of privacy
- law enforcement investigations and intelligence information

You can only withhold the exempt information. If the request also asks for other information that is not protected, *you must release it.* If the exempt information is only part of the document, you have to redact (delete or black out) the protected information and release the rest of the document.

For example a stakeholder's personal contact information might be redacted from a document that is otherwise released.

What fees apply to CPRA requests?

You can charge for copies. Neighborhood councils that use outside printing services may be able to use the actual cost per page. For reference, note that for documents up to 8.5 x 14 in size, the City charges \$.10 per page.

Neighborhood councils should not charge a fee to inspect documents.

What happens if I don't respond to a request or wrongfully withhold a record?

Requestors can file a lawsuit to gain access to public records. If the requestor is successful, the requestor will be entitled to conduct discovery regarding the search process undertaken by the NC and recover reasonable legal costs and attorney's fees.

Do I have to create new documents to respond to a CPRA request?

No. The CPRA applies to existing public records and does not require that the your NC assemble new reports or lists to satisfy the requestor's research purposes.

Can records be selectively disclosed?

No. In most instances, if an NC makes a record available to one member of the public, then the NC must make it available to any member of the public who would like to see it.

Need Help?

If you have questions about responding to a CPRA request, contact your neighborhood council's advocate at the Department of Neighborhood Empowerment.

The City Attorney's Office provides legal advice and can help determine, for example, if a particular record or portion of a record is exempt.

**Neighborhood Council Advice Division
Office of the City Attorney
200 North Main St., 700 City Hall East
Los Angeles, CA 90012
213- 978-8132 Phone
213-978-8222 Fax**