

**CONSOLIDATED FIRE AGENCIES
MANUAL OF ADMINISTRATIVE COMMITTEE POLICIES**

POLICY: **AP 3.001**

TITLE: **Public Access to CONFIRE Records**

ADOPTED: **[10.26.21]**

REVISED: **[07.22.25] DRAFT**

Reference:

California Public Records Act “CPRA” - Government Code Sections 7920-7931
CONFIRE Administrative Policy 1.004 Appendix A – “Records Retention Schedule”

Definitions:

“Custodian of Record”: A custodian of records is an individual or entity responsible for maintaining, storing, and managing records, ensuring their security and accessibility, and responding to requests for information.

"Public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. (Gov Code 7920.530(a).)

"Writing" means any handwriting, typewriting, printing, photo stating, 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 combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Gov Code 7920.545.)

Introduction

The Administrative Committee recognizes the right of citizens to access records of CONFIRE pursuant to provisions of the California Public Records Act and other state or federal laws. The Director, or his/her designee is directed to permit access to the public records of CONFIRE, excepting those records that the law permits or requires CONFIRE to withhold from public disclosure. CONFIRE is not required to provide records or reports it does not produce or maintain as a normal course of business.

CONFIRE will develop and maintain a system for complying with properly submitted Public Records Requests and retain the records of such requests as required by statute.

CONFIRE Records

Records produced and/or retained by CONFIRE which are listed in the current version of the CONFIRE Administration Committee Record Retention Policy (AP 1.004) Appendix A – Record Retention Schedule.

Member and Contracting Agency Records

Records produced by CONFIRE and its personnel when acting as an agent for a Member Agency or Contracting Agency which are retained within CONFIRE operated and maintained records management systems are the property of the assisted Member Agency or Contracting Agency. These include written and recorded incident reports, 9-1-1 calls and radio communications. CONFIRE acts as the custodian of record on behalf of its Member and Contracting Agencies for these records. Except as required by law, CONFIRE shall not disclose such records to the public without the prior consent of the affected Member Agency or Contracting Agency.

The request may originate with the agency or CONFIRE, however prior to release of the records CONFIRE will attempt to gain the approval of the release of the record from the affected agency. If the agency does not respond within the timeframe required, CONFIRE may release the record before the compliance deadline without Agency approval.

Records may be redacted according to exemptions permitted by the Public Records Act and other statutes regarding the release of personal information (HIPAA etc.).

Justification for Withholding of Records

CONFIRE must justify withholding any record by demonstrating that the record in question is exempt under express provisions of the CPRA, or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (Gov Code 7922.000.)

Examples of such exemptions applicable to CONFIRE:

- A record (address, phone, name etc of callers) obtained pursuant to paragraph (2) of subdivision (f) of Section 2891.1 of the Public Utilities Code. (Gov Code 7923.700.)
- Records pertaining to pending litigation to which CONFIRE or a Member/Contracting Agency is a party. (Gov Code 7927.200 (a).)
- Documents protected by the deliberative process privilege. (Gov. Code 7928.410; *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325.)
- Preliminary drafts, notes, or interagency or intra-agency memoranda not retained by the CONFIRE in the ordinary course of business, if the interest in withholding the records clearly outweighs the public interest in disclosure. (Gov. Code 7927.500.)
- The CPRA does not require disclosure of the home addresses, home telephone numbers, personal cellular telephone numbers, and birthdates of all employees of a public agency. (Gov Code 7928.300.)

- Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. (Gov Code 7927.700.)

Records Readily Accessible via the CONFIRE Website (www.confire.org):

Board of Directors and Administrative Committee Meeting Agendas and Minutes

Catalog of Enterprise Systems (**SB 272, Gov Code 7922.700-7922.725**)

Annual Budget

Audits

Annual Financial Statements

Selected Policies