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Enabling Actions:	Revised Date:	
Approved:		

PURPOSE

The purpose of this policy is to ensure that the Town of Los Gatos provides access to records consistent with the requirements of the California Public Records Act (“Act”) and to establish clear procedures by which members of the public may request access to public records maintained by the Town of Los Gatos in accordance with Government Code Section 7922.630. Nothing in this policy is intended to limit the rights granted by the Act. If any provision of this policy conflicts with current state or federal law, the law shall take precedence.

POLICY

The Town of Los Gatos shall provide timely and efficient responses to requests for access to, or copies of, public records in accordance with applicable law and the California Public Records Act. The Town shall ensure consistent Town-wide handling of public records requests and make public records available as promptly as reasonably practicable, consistent with operational demands.

In implementing this policy, the Town shall protect exempt information as provided by state law, while balancing the public’s right to access records.

Accordingly, public records shall be disclosed unless they are exempt under state law. The Town is not required to create a new record in response to a request or provide records that do not exist at the time the request is made.

The Town Manager, or designee, is authorized to prepare administrative procedures to comply with applicable law and implement this policy.

DEFINITIONS

Public Records - Any writing containing information relating to the conduct of the public’s business that is prepared, owned, used, or retained by the Town, regardless of physical

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form or characteristics, as defined by the California Public Records Act.

Writing – any form of recorded information, including but not limited to paper documents, email, and other electronic communications relating to Town business, audio and video recordings, photographs, and electronic data files or databases.

Electronic Records – public records that exist in a digital or electronic format, including computer files, databases, emails, and audio or video recordings stored on electronic media.

Public Records Request – any oral or written request to inspect, review, or obtain copies of public records maintained by the Town, made in accordance with the California Public Records Act.

***Exempt Records** – records or portions of records exempt from disclosure under the California Public Records Act or other applicable state or federal law, including privileged communications, personnel records, and law enforcement investigatory files.

***Standard Request** – a request for records that are regularly prepared, distributed, or otherwise readily available and typically require minimal review or department coordination.

Voluminous Request – a request for records that involves a large number of documents, substantial research, compilation, or review, or requires coordination among multiple Town departments, and that is not ordinarily produced or distributed in the regular course of Town business.

Unusual Circumstances – the limited circumstances, provided for under Government Code Section 7922.535, under which the Town may extend the initial ten (10) calendar day determination period for a public records request.

Requester – The person who submitted the Public Records Request.

* These classifications are used solely for internal processing purposes and do not affect rights under the California Public Records Act

PUBLIC RECORDS REQUEST PROCESS

1. Methods of Request

Requests for public records may be made in any of the following ways:

- In person during regular business hours.
- By mail.
- By email.
- Through the Town’s official online records request portal.
- By telephone.

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All requests received, regardless of submission method, will be entered into the Town's online records request portal for tracking and processing.

Requests should reasonably describe identifiable records. If a request is unclear, the Town shall assist the requester in identifying a record. If the request is too broad, the Town may seek clarification.

For requests that are determined to be voluminous, the Town may communicate with the requester to clarify, narrow, or prioritize the request in order to facilitate a more efficient response. All communications regarding voluminous requests will be sent via email through the Town's public records request management system.

2. Assistance to the Requester

A. Identification of Records

A public records request must identify a specific record or reasonably describe records. The request should be sufficiently clear to enable staff to locate responsive records. Requests that are overly broad or vague may limit the Town's ability to conduct an adequate search and distribute records in a timely manner.

B. Questions

The Act applies to existing records and does not require the Town to respond to questions or create narrative explanations.. Questions on their own are not considered a request under the Act. If the requester is interested in receiving records, staff shall assist in formulating a request related to their questions, to the extent reasonably practicable under the law.

C. Duty to Assist

The law recognizes that requesters may not have all the information or tools necessary to make a specific request. Accordingly, the Town shall make reasonable efforts to assist requesters, to the extent reasonably practicable, consistent with applicable law. Such assistance may include, but is not limited to, helping to clarify the scope of the request, identifying the types or categories of records maintained by the Town, and suggesting ways to narrow or focus the request. This assistance does not require the Town to create new records, conduct legal research, or provide interpretations of records.

3. Response to Requests

The Town shall respond to requests for public records in accordance with the requirements of the California Public Records Act. Responses may include:

- A determination regarding whether responsive records exist.
- A request for clarification if the request does not clearly identify records.

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- In order to enable a timely response, a suggestion that the requester narrow or modify the scope of the request if it would result in a voluminous number of records.
- A determination of whether records are exempt from disclosure.
- An estimated timeframe for providing disclosable records.
- A need for additional time to provide a determination.

Where responsive records are already available on the Town’s website or through other public access means, the Town may direct the requester to those records as part of its response, in lieu of providing duplicate copies consistent with Government Code Section 7922.545.

A. Determination Period

Within ten (10) calendar days of receiving a public records request, the Town shall determine whether the request seeks disclosable public records in the Town’s possession and shall promptly notify the requester of that determination, in accordance with the California Public Records Act. The Town is not required to provide responsive records within the ten (10) calendar day period; however, it shall make reasonable efforts to produce records as promptly as practicable, consistent with the volume and complexity of the request and available resources.

- i. For purposes of calculating the deadline for providing a determination, a public records request is deemed received during the Town’s regular business hours. Requests submitted outside of regular business hours, including weekends, Town-observed holidays, or periods of administrative office closure, shall be deemed received on the next business day. Similarly, if the tenth day falls on a weekend or holiday, the next business day is considered the deadline for responding to the request.
- ii. The Town may extend this period by up to fourteen (14) additional calendar days in unusual circumstances as permitted by law. If an extension is necessary, the Town shall provide written notice stating the reason for the extension and the date on which a determination is expected.

B. Exemptions

The Town may redact or withhold records, or portions thereof, that are exempt from disclosure under applicable law. Redactions may include, but are not limited to, confidential, privileged, or personal information protected by law, such as personnel or medical information, attorney-client privileged communications, law enforcement investigatory records, pending litigation materials, and personal identifying information (e.g., home addresses, phone numbers, or social security numbers). Records subject to potential exemption are reviewed in consultation with the Town Attorney as appropriate.

4. Reasonable Effort and Operational Considerations

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The Town shall make reasonable efforts to identify, locate, and review responsive records in a timely manner consistent with the requirements of the law.

Nothing in this Policy shall be interpreted to require the immediate interruption of essential Town operations or the reassignment of staff in a manner that would unreasonably disrupt the delivery of public services consistent with statutory requirements. Public records requests shall be processed as promptly as reasonably practicable, with consideration to the following, as applicable:

- The scope and complexity of the request.
- The volume of potentially responsive records.
- The need for review, redaction, or legal consultation.
- The operational demands and available staffing resources of the Town.

A. Processing Order

The Town generally processes Public Records Act requests in the order in which they are received. Timing of production may be adjusted as reasonably necessary based on the scope and complexity of the request, the volume of records, and the time required for review of exempt or confidential information, consistent with applicable law. Because standard requests typically involve less time, they may be processed more quickly than requests that are more complex or voluminous.

B. Rolling Production

When a request for records is determined to be voluminous in scope, the agency will process and produce responsive records on a rolling basis. Records shall be provided in successive batches as they are identified, reviewed, and prepared for release. The Town shall provide an estimated date when each batch of records will be available. Production timelines shall be determined based on the responsible department's workload, the volume of responsive records, the time required to review records for applicable exemptions and necessary redactions, and the order in which requests are received. The Town shall communicate an estimated batch production date and notify the requester if the date changes.

Nothing in this section is intended to delay or limit the Town's compliance with statutory response timelines under the California Public Records Act.

5. Inspection of Records

The Town maintains records across multiple departments, with individual departments responsible for separate record-keeping systems. As a result, records may not be immediately available for inspection at the time or location of a request. When records are not available for immediate inspection, requests may be coordinated through the Town Clerk's Office for processing and scheduling as appropriate.

Public records maintained by the Town that are not exempt under the Act or other

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applicable laws may be inspected during normal business hours after responsive records have been identified, located, and reviewed. In some cases, responsive records may already be available on the Town's website and may be accessed directly.

A. Advance Coordination

While members of the public have the right to inspect public records, this does not guarantee immediate access, as requests are subject to reasonable time requirements for the identification, review, and preparation of records, as required by law. Town staff may require reasonable time to:

- Identify and locate responsive records
- Retrieve records from other departments or storage locations
- Review records for exemptions or confidential information
- Redact exempt information as required by law

The Town shall make responsive records available for inspection as promptly as reasonably practicable after completing the necessary review.

B. Appointments for Inspection

For records that are not readily available, and to ensure records have been located and properly reviewed, the Town may request advance notice or an appointment to inspect records.

RECORD AVAILABILITY

6. Records Retention and Availability

Public records are maintained, retained, and disposed of in accordance with applicable laws and the Town's records management policies. The following provisions govern the availability and retention of such records.

A. Retention Schedule

Public records maintained by the Town are subject to the Town's Records Retention Schedule and related records management policies. The Records Retention Schedule identifies the categories of records the Town maintains, the retention periods for those records, and procedures for authorized destruction or disposal in accordance with applicable law. Records that have been lawfully destroyed in accordance with the applicable retention schedule are not required to be recreated.

B. Relation to Public Records Act Requests

The Town's obligation under this Policy and the California Public Records Act is limited to providing access to records that exist at the time a request is received and are in the Town's possession. The Town is not required to retain records beyond their established retention periods. Records responsive to a pending request shall not be destroyed until

the request has been fulfilled, and records subject to a litigation hold, audit, or other legal requirement shall be retained in accordance with applicable law.

C. **Litigation, Audit, and Hold Requirements**

Retention schedules and destruction procedures may be temporarily suspended if records are subject to litigation, audit, investigation, hold notices, or other legal requirements. Records subject to a legal hold shall be preserved and retained until the hold is formally released.

7. Format of Records

If records are maintained in an electronic format, the Town will provide them in an electronic format when feasible. The Town is not required to provide records in a specific native, proprietary, or system-generated format, or to manipulate data beyond readily available existing files. The Town is not required to convert records to a different format, create records that do not exist, or reconstruct records in a specific format when doing so would require creation, manipulation, or extraction beyond readily available existing files.

8. Fees and Costs

The Town may charge fees for providing copies of public records consistent with the California Public Records Act and the Town of Los Gatos Fee Schedule adopted by the Town Council. The Town shall provide a copy of applicable fees upon request or may refer the requester to the current Fee Schedule posted on the Town's website.

A. **Direct Duplication Costs**

- i. The Town may charge the direct cost of duplication for copies of records provided in response to a public records request. Direct costs include materials such as paper, flash drive, CD/DVD, or other media, and any necessary third-party reproduction services, where applicable.
- ii. Fees shall be based on the rates established in the Town's Fee Schedule and shall not exceed the direct cost of duplication as defined by the California Public Records Act and applicable law.

B. **Estimates and Deposits**

- i. For requests where the anticipated cost of duplication or production is expected to exceed \$50, the Town shall provide an estimate of charges and may require an advance deposit or full payment before processing and release of records.
- ii. The Town will not charge for the time spent searching for records, reviewing records for exemptions, or determining whether records are disclosable except as permitted under the California Public Records Act.

C. **No Charge for Inspection**

- i. There is no charge for inspecting records that are made available for public inspection, provided no copies are requested.

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APPROVED AS TO FORM:

Gabrielle Whelan, Town Attorney