

# HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO

## *POLICY FOR REQUESTS FOR INSPECTION AND COPYING OF PUBLIC RECORDS*

### 1. Purpose

This Policy sets forth the policies and procedures of the Housing Authority of the County of San Bernardino (“HACSB”) regarding requests for inspection of Public Records. It is designed to be in compliance with existing law. If any provision of this Policy conflicts with State or federal law, the applicable law shall take precedence over this Policy.

### 2. Definitions

As used in this Policy, the following terms shall have the following meanings:

- (a) “HACSB” shall mean the Housing Authority of the County of San Bernardino.
- (b) “Person” shall mean any natural Person, corporation, partnership, limited liability company, firm, or association.
- (c) “Writing” means handwriting, typewriting, printing, photostatting, photographing, photocopying, electronic mail, facsimile, and every other means of recording upon 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.
- (d) “Public Records” shall mean any Writing containing information relating to the conduct of HACSB's business that has been prepared, owned, used, or retained by HACSB regardless of physical form or characteristics.
- (e) “Requestor” shall mean a Person, or representative of a Person, who has submitted a request to inspect and/or copy HACSB records.

### 3. Right to Inspect

To the extent required by law, and except as otherwise provided herein, all Public Records of HACSB are open to inspection by any Person pursuant to Section 5 of this Policy. Copies or certified copies of Public Records may be obtained by any Person, subject to compliance with the procedures set forth in this Policy. Any reasonably segregable portion of a record shall be available for inspection by any Person requesting the record after deletion of the portions that are exempted by law.

4. Records Exempt from Disclosure

Records which are exempt from disclosure under applicable law include but are not limited to the following:

- (a) Preliminary drafts, notes, interagency, or intra-agency memoranda which are not retained by HACSB in the ordinary course of business, if the public interest in withholding such records clearly outweighs the public interest in disclosure.
- (b) Records pertaining to pending litigation to which HACSB is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such pending litigation or claim has been finally adjudicated or otherwise settled.
- (c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of Personal privacy.
- (d) The contents of real estate appraisals, engineering or feasibility estimates, and evaluations made for or by HACSB relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreements are obtained; provided that the law of eminent domain shall not be affected by this provision.
- (e) Computer software developed by a state or local agency is not itself a Public Record under this chapter. HACSB may sell, lease, or license the software for commercial or noncommercial use.
- (f) The records made, if any, of closed sessions, pursuant to Government Code Section 54957.2, are not Public Records subject to inspection.
- (g) Records the disclosure of which is exempted or prohibited pursuant to federal or state law (i.e., attorney-client privilege under the California Evidence Code).
- (h) Housing authority leases and lists of rosters of tenants. (Health & Safety Code Section 34283.)
- (i) Housing authority applications for eligibility and occupancy by prospective or current tenants. (Health & Safety Code Section 34332, subdivision (c).)

This partial list of exemptions is subject to applicable law, and any changes in law are automatically incorporated into this Policy.

5. Request to Inspect and/or Make Copies

- (a) Any Person desiring to inspect or receive copies of records of HACSB shall be requested by HACSB to submit his/her request in writing on the form attached as

Exhibit “A” to the Director of Administrative Services. The Requestor shall be requested to specify in writing the records to be inspected or copied. HACSB will not deny records requests that are not submitted in writing, but will encourage Requestors to use the Exhibit “A” form for all records requests. Requestors shall provide sufficient detail to enable HACSB to identify the particular records. If the request is ambiguous or unfocused, HACSB shall make a reasonable effort to elicit additional clarifying information from the Requestor that will help identify the record(s). Pursuant to Government Code Section 6253.1, HACSB shall do all of the following, to the extent reasonable under the circumstances:

- Assist the Requestor to identify records and information that are responsive to the request or to the purpose of the request, if stated;
- Describe the information technology and physical location in which the records exist; and
- Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

Immediately upon HACSB receiving a request for inspection or for copies of records, the HACSB staff member in receipt of such request shall forward the request to the Director of Administrative Services. Within ten (10) days from receipt of the request, the Director of Administrative Services shall determine whether the request, in whole or in part, seeks inspection of or copies of disclosable Public Records in the possession of HACSB and shall promptly notify the Person making the request of the determination and the reasons therefore. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the Director of Administrative Services to the Person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than fourteen (14) days. A response to a written request for inspection or copies of Public Records that includes a determination that the request is denied, in whole or in part, shall be in writing. As used in this section, “unusual circumstances” means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

- (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination

of the request or among two or more components of HACSB having substantial subject matter interest therein.

- (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

(b) Participant Files A participant in a program operated by HACSB may review and/or copy the contents of his/her participant file as provided in Section 5(a) of this Policy. The participant file contains both public records and confidential information regarding the participant and the participant's household. In the event the participant seeks to authorize a third party (his/her representative or lawyer, for example) to review and/or copy the contents of the participant's file, the participant shall submit an authorization for release of participant information substantially in the form as attached to this policy as Exhibit "B".

(c) Procedures for Approved Requests for Inspection and/or Copies

Approved requests for inspection and/or copies will be handled as follows:

- (1) Mail Request – The Director of Administrative Services will notify the Requestor of the fees to be paid to HACSB for copies of such records. Upon receipt of such fees, the Director of Administrative Services, or his/her designee, shall prepare and mail copies or certified copies of such records to the Person requesting them.
- (2) In-Person Request – HACSB will provide copies of the request form (Exhibit "A") to Requestors who make records requests in Person. The request form shall be directed to the Director of Administrative Services. The Director of Administrative Services will provide copies of requested documents after payment of fees in accordance with the established fee schedule (Exhibit "C").
- (3) Telephone Request – In response to a telephone request for copies of HACSB records, HACSB will explain the records request procedure (including established fees) as outlined in subsections (1) and (2) above. Payment of fees is required before copies may be prepared. The HACSB staff member receiving the telephone request shall promptly inform the Director of Administrative Services of such request.
- (4) Fax Requests – In response to a fax request for copies of HACSB records, HACSB will transmit to the Requestor an explanation of the procedures (including established fees) as outlined in subsections (1) and (2) above, and will transmit Exhibits "A", "B" (if applicable), and "C" to the Requestor. Payment of fees is required before copies may be prepared. The HACSB staff member receiving the fax request shall promptly deliver a copy of the fax request to the Director of Administrative Services.

- (5) E-Mail Requests – In response to an e-mail request for copies of HACSB records, HACSB will transmit to the Requestor, with a copy to the Director of Administrative Services, an explanation of the procedures (including established fees) as outlined in subsections (1) and (2) above, and transmit Exhibits “A”, “B” (if applicable) and “C” to the Requestor. Payment of fees is required before copies may be prepared.
  
- (c) Any Person in attendance at an inspection of HACSB records may request a copy of any record being inspected. HACSB will provide copies of the request form (Exhibit “A”) to Persons inspecting HACSB records. Upon payment of the applicable copying fees, HACSB will prepare the copies or certified copies of such records for the Requestor.

7. Fees for Copies

HACSB shall charge fees for copies or certified copies of identifiable Public Records or information as set forth in Exhibit “C”.

**EXHIBIT "A"**

HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO

PUBLIC RECORDS REQUEST FORM

**Date:** \_\_\_\_\_

In accordance with the California Public Records Act (Gov. Code §§. 6250-6276.48), I am requesting to (check one):

- inspect the following public records                       receive copies of the following public records

[Please describe in detail the public records you are seeking]

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I understand that HACSB will respond to all Public Records Act requests in compliance with State law.

For copies of the above-listed public records, I understand the fee schedule is set forth in Exhibit C **or as otherwise provided by law**. I also understand that payment of fees is required in advance of delivery of any requested records.

Name/Signature of Requestor: \_\_\_\_\_

Address:

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Phone/Fax/E-Mail: \_\_\_\_\_

**FOR STAFF USE ONLY:**

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Date Request Completed: \_\_\_\_\_

Copy(ies) Provided?       Yes                       No                       Partial

List any requested document that is exempt from public disclosure and was not copied (i.e., personnel files, attorney/client privilege documents, preliminary drafts, pending litigation or claims, etc.)

\_\_\_\_\_  
\_\_\_\_\_

Estimated Copy Charges: \_\_\_\_\_

Amount of Deposit (if required): \_\_\_\_\_

Refund/Additional Payment: \_\_\_\_\_

Total Payment Received: \_\_\_\_\_

**EXHIBIT "B"**

HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO  
AUTHORIZATION FOR RELEASE OF PARTICIPANT INFORMATION

I, \_\_\_\_\_, am/have been a participant in a housing assistance program operated by the Housing Authority of the County of San Bernardino ("HACSB").

I hereby authorize HACSB to furnish to \_\_\_\_\_, my representative ("Representative"):

- My entire participant file including, but not limited to, all information contained therein, within HACSB's possession.
- Only the following items from my participant file specifically described as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This authorization shall become effective immediately and shall remain in effect for sixty (60) days unless terminated sooner by the undersigned participant in writing.

I understand that the above authorization waives rights to confidentiality and other rights that might otherwise be available. Nevertheless, I have provided my consent willingly, and without reservation. In so doing, I further agree to waive any and all claims or causes of action, state or federal, legal or equitable, against the HACSB, its officials, officers, employees, agents, consultants, attorneys, administrators and volunteers, arising out of or in connection with HACSB's compliance with this authorization and/or HACSB's disclosure of information, as authorized herein.

I hereby declare under penalty of perjury that I have authority to enter into an Authorization for Release of Participant Information and that I have read and understand the authorizations, releases and waivers contained herein.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Participant Name

\_\_\_\_\_  
Participant Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State

\_\_\_\_\_  
Social Security Number



**EXHIBIT “C”**

**HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO**

**PUBLIC RECORDS REQUEST  
SCHEDULE OF FEES**

<b>Description</b>	<b>Price</b>
<b>Copy Price per Page – Standard Letter Size (8 1/2” x 11”)</b>	<b>\$ .25</b>
<b>Copy Price per Page - Legal Size (8 1/2” X 14”)</b>	<b>\$ .25</b>
<b>Color Copies</b>	<b>\$.35</b>
<b>Copy charges for oversized documents that must be outsourced for duplication/reproduction</b>	<b>Actual cost</b>
<b>Price for Public Records in electronic format, including video and/or audio tapes of Board of Commissioners meetings, when requested in electronic format, shall be calculated by HACSB in accordance with Government Code Section 6253.9, as it may be amended from time to time.</b>	<b>Per Gov. Code Section 6253.9</b>
<b>Note : Payment is required in advance of delivery of any requested records.</b>	