

Introduced by Senator Denham

February 19, 2008

An act to amend Section 6253 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

SB 1273, as introduced, Denham. Public records.

The California Public Records Act requires state and local agencies to make their records available during regular business hours and, upon request, to provide a copy of a record upon payment of any applicable fee, unless an exemption from disclosure applies.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6253 of the Government Code is amended
2 to read:
3 6253. (a) Public records are open to inspection at all times
4 during the office hours of ~~the~~ any state or local agency and every
5 person has a right to inspect any public record, except as hereafter
6 provided. Any reasonably segregable portion of a record shall be
7 available for inspection by any person requesting the record after
8 deletion of the portions that are exempted by law.
9 (b) Except with respect to public records exempt from disclosure
10 by express provisions of law, each state or local agency, upon a
11 request for a copy of records that reasonably describes an

1 identifiable record or records, shall make the records promptly
2 available to any person upon payment of fees covering direct costs
3 of duplication, or a statutory fee if applicable. Upon request, an
4 exact copy shall be provided unless impracticable to do so.

5 (c) Each agency, upon a request for a copy of records, shall,
6 within 10 days from receipt of the request, determine whether the
7 request, in whole or in part, seeks copies of disclosable public
8 records in the possession of the agency and shall promptly notify
9 the person making the request of the determination and the reasons
10 therefor. In unusual circumstances, the time limit prescribed in
11 this section may be extended by written notice by the head of the
12 agency or his or her designee to the person making the request,
13 setting forth the reasons for the extension and the date on which
14 a determination is expected to be dispatched. No notice shall
15 specify a date that would result in an extension for more than 14
16 days. When the agency dispatches the determination, and if the
17 agency determines that the request seeks disclosable public records,
18 the agency shall state the estimated date and time when the records
19 will be made available. As used in this section, “unusual
20 circumstances” means the following, but only to the extent
21 reasonably necessary to the proper processing of the particular
22 request:

23 (1) The need to search for and collect the requested records
24 from field facilities or other establishments that are separate from
25 the office processing the request.

26 (2) The need to search for, collect, and appropriately examine
27 a voluminous amount of separate and distinct records that are
28 demanded in a single request.

29 (3) The need for consultation, which shall be conducted with
30 all practicable speed, with another agency having substantial
31 interest in the determination of the request or among two or more
32 components of the agency having substantial subject matter interest
33 therein.

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

37 (d) Nothing in this chapter shall be construed to permit an
38 agency to delay or obstruct the inspection or copying of public
39 records. The notification of denial of any request for records

1 required by Section 6255 shall set forth the names and titles or
2 positions of each person responsible for the denial.
3 (e) Except as otherwise prohibited by law, a state or local agency
4 may adopt requirements for itself that allow for faster, more
5 efficient, or greater access to records than prescribed by the
6 minimum standards set forth in this chapter.

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