

# 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. All Los Angeles City offices, departments, agencies, commissions, and neighborhood councils must follow the CPRA.*

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## 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.

## Does the law apply to LA City government?

Yes. The CPRA covers all California state and local government agencies. All City departments, offices, agencies, commissions and neighborhood councils must make their records available to the public.

## 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 or communication created or held by a public official that can be reproduced.

Public records include:

- handwritten notes
- typed documents
- e-mails
- 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. The member of the public does not have to put their request in writing.

## What is the deadline for responding to a CPRA request?

You must respond to the request in **10 calendar days**. You must release the requested records unless they are exempt (see below).

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

In unusual circumstances, you can ask the requestor for an additional 14 calendar days to respond.

## What if my agency does not have the record?

If your agency does not have the record, you do not have to go to other agencies to find it. However, **you must reply to the requestor** and explain that they should contact another City department or agency.

## **Do I have to assist a requestor?**

**Yes.** You must help requestors identify records and information your agency has which are relevant to the request. 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
- personnel, medical or similar information, which if released would be an unwarranted invasion of privacy
- law enforcement investigations

*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.

## **What fees apply to CPRA requests?**

You cannot charge a research fee or charge to inspect documents.

However, you can charge for copies. If you use a City-owned copy machine, the cost is \$1 per request and \$.10 per page for documents for up to 8.5 x 14. For larger documents or electronic records, the cost is the actual cost of producing a copy.

If you use an outside vendor, the cost is the actual cost that the vendor charged.

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

Requestors can sue a public agency to gain access to public records. If the requestor is successful, the City will probably have to pay their attorneys fees and costs.

## **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 you assemble new reports or lists to satisfy the requestor's research purposes.

## **Can records be selectively disclosed?**

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

## **Need Help?**

If you have questions about a CPRA request, contact your neighborhood council's advocate at DONE. The City Attorney's Office provides legal advice and can help determine if a particular record is exempt.

**Neighborhood Council Advice Division  
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