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CALIFORNIA PUBLIC RECORDS ACT GUIDELINES

STATE WATER RESOURCES CONTROL BOARD CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARDS

INTRODUCTION

These *California Public Records Act Guidelines* contain guidelines for requesting access to inspect and/or obtain copies of public records maintained by the State Water Resources Control Board or the California Regional Water Quality Control Boards (collectively, the “Water Boards”).

California’s Constitution provides that the people of California have the right of access to information concerning the conduct of the people’s business and that the writings of public officials and agencies shall be open to public scrutiny. In enacting the California Public Records Act, the Legislature stated that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state. The fundamental principle of the California Public Records Act is that governmental records shall be disclosed to the public upon request, unless there is a specific reason not to do so.

Generally, all records must be made available to the public promptly upon request. But the Legislature also recognized the need to balance the public’s right to know against competing constitutional rights to privacy and the government’s need to perform its functions in a reasonably efficient manner (e.g., by maintaining the confidentiality of some records relating to pending investigations and litigation). Consequently, the California Public Records Act also contains several exemptions from disclosure and incorporates several other statutes that prohibit state employees from disclosing certain types of public records. The California Public Records Act also establishes reasonable procedures providing for prompt disclosure while allowing government agencies the time to locate records and to determine which records, if any, are exempt from disclosure.

It is the Water Boards’ policy to provide all members of the public broad and convenient access to its records and to promptly make the fullest possible disclosure of its records. Water Board staff is available to assist persons requesting Water Board records to make focused and effective requests that reasonably describe identifiable records. Some Water Board records are exempt from disclosure under the California Public Records Act. Therefore, whether a request to review records is made in person, by mail, or by other means, it may be necessary in some cases for staff to review the requested records to determine whether those exemptions apply before the records can be made available for review or copying. In those cases, that review will be completed as expeditiously as is feasible.

REQUESTS TO VIEW PUBLIC RECORDS (FILE REVIEW)

Files may be reviewed at Water Board offices during regular office hours, which are generally weekdays from 8:00 a.m. to 5:00 p.m., excluding holidays. Persons interested in reviewing or obtaining copies of public records are encouraged to make a file review appointment in advance. An appointment can be made by email, fax, telephone, or in person. Contact information is available on our website and at the Water Board office.

Appointments are not mandatory, but they will help the Water Board facilitate the file review request. If you have made a file review appointment, please arrive at the Water Board office at your appointment time. You will be directed to the file review area of the office, where the requested files will be available for your review. Failure to make an appointment may result in a delay while the records are located and reviewed, if necessary.

Please be aware that it is a crime to steal, remove, destroy, mutilate, deface, alter, or falsify Water Board records. In some cases, Water Board staff may be assigned to observe the file review in order to protect the integrity of the records. Your assistance in maintaining the integrity of the Water Boards' records is appreciated.

REQUESTS FOR COPIES OF PUBLIC RECORDS

The Water Boards will make copies of records for members of the public upon request. The California Public Records Act provides that copies of records will be made promptly available upon payment of fees that cover the direct costs of duplication, which are generally the costs of running a copy machine and the expense of the staff person operating it.

In some cases (especially with voluminous records), the Water Board may send its records to a bonded copy service, rather than copying them in the Water Board office. The person requesting the records must pay the copy service's charges before receiving the copies. Members of the public may also pay bonded copy service companies to come to the Water Board office to make copies. If you wish to bring your own copier to the Water Board office, we would appreciate it if you would call in advance to make arrangements, but advance arrangements are not required.

These guidelines are to be posted in a conspicuous public place at the Water Board offices. They are available free of charge to any person who requests them.

These Guidelines supersede all other Public Records Act guidelines issued by the Water Boards.
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