

# The Accelerated Schools Public Records Request Policy

The Public Records Act is designed to give the public access to information in possession of public agencies. "Public records are open to inspection at all times during the office hours of the...agency and every person has a right to inspect any public record, except as...provided, [and to receive] and exact copy" of an identifiable record unless impracticable. Specific exceptions to disclosure are listed in Government Code sections 6253.2, 6253.5, 6253.6, 6254.1-6254.22, 6255, 6267, 6268, 6276.02-6276.48.

## **Summary of Procedures**

Requests can be made by mail, electronic mail, facsimile, telephone, etc., using the contact information indicated below:

The Accelerated Schools  
4000 S. Main Street  
Los Angeles, CA 90037  
Phone: 323-235-6343  
Fax: 323-235-6346  
ATTENTION: Ms. Lenita Lugo  
Email: [llugo@accelerated.org](mailto:llugo@accelerated.org)

The request need not be in writing. Although the TAS must accept verbal requests for records, to avoid ambiguity and confusion, it is encouraged that all requests be made in writing.

The TAS is allowed to charge a reasonable fee for the cost of copies provided to a Requestor. See section: Request Form & Fee Schedule.

## **The Respondent Responsibilities:**

1. Acknowledge receipt of the request within **10 calendar** days and will review the request to determine the appropriate office that may own the records being requested and whether the records requested fall within any exceptions listed in the Act.

2. Refer the request to the appropriate office for records collection.
3. If appropriate, notify the Requestor of an extension of time to determine if responsive records exist, on or before the 10<sup>th</sup> day after the request is received. This extension shall not exceed 14 days. On or before the 14-day period, Respondent should have determined if responsive records are available. If so, Respondent will either provide the Requestor with the records or will identify a date by which the records will be made available.
4. Coordinate the collection of records from appropriate departments, review responsive records for exemptions and privilege, and produce responsive records to the Requestor.
5. Provide Requestor cost of records, collect good faith deposit (when applicable), and provide invoice and/or receipt for costs associated with records upon request.
6. Deny the request for records if, despite a diligent search effort, TAS was unable to locate any records responsive to the request. This response is only appropriate after a good faith effort to identify, locate and/or uncover responsive records has been exhausted.

**The Custodian(s) of Records Responsibilities:**

1. Gather and produce responsive records immediately. Because of the exceedingly broad definition of what constitutes a writing or a public record, potentially all records within the possession of the Custodian(s) of Records are subject to disclosure under the Act.
2. Adhere to the strict time requirements of the Act. Under the Act, the TAS cannot claim an inability to identify and gather the responsive records necessary for production on account of a lack of sufficient time, inadequate staffing, and/or funding limitations. It is, therefore, vital to adhere to all deadlines when gathering records in response to requests.
3. Communicate with Respondent and/or Department Head if records or a portion thereof are suspected to be exempt from disclosure.
4. Consult with the Respondent concerning how to proceed with gathering, organizing and producing the records, if request concerns an exceedingly large number of pages (hundreds or thousands).

### **Cost of Records**

TAS is allowed to charge a reasonable fee for the cost of copies provided to a Requestor. TAS charges 10 cents for each page for copies of records up to 8 x 11 inches produced under a request, irrespective of whether they are produced in hard or electronic format. The actual cost of records larger than 8 x 11 inches, such as blueprints must be charged on a case-by-case, direct cost basis. Additionally, there are charges for postage, as well as media at \$1.00 for CDs and \$2.00 for DVDs.

When a request requires data compilation, the Requestor shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services. The Requestor shall also bear the direct cost if unique software is needed to process the request. Respondent will provide an estimated cost for the request to the Requestor and will follow-up with an itemization of the actual costs when actual costs are determined.

Except as noted above and authorized by the Act, TAS may not charge for costs beyond the direct cost of duplication, which precludes overhead or the ancillary tasks associated with the retrieval, inspection and handling of the records. TAS is not required to produce copies of records to a Requestor until the costs for duplication have been paid. If the records exceed 200 pages, the Requestor may be required to post a non-refundable, good faith deposit equal to 50% of the total cost of fulfilling the request.

TAS will not waive fees authorized by the Act. Any requests for a waiver of fees shall be directed to the Chief Executive Officer.

### **Inspection of Records**

The public has a general right to inspect and/or obtain copies of records maintained by state and local agencies pursuant to the Act. While many records are accessible, the PRA as well as other statutes may preclude disclosure of records including, but not limited to, specified personnel records, medical records, and records prepared in connection with pending litigation.

TAS may not charge a Requestor who wishes to come and inspect records. The Requestor and the Respondent will need to arrange a mutually agreeable time for the Requestor to review records. However, following an inspection, any copies requested by Requestor will be made available according to the fees described above in "Cost of Records"

### **Records Exempt from Disclosure**

With the assistance of the Respondent and/or custodian of record, TAS will determine which records or a portion thereof are exempt from disclosure. There are numerous exemptions from the disclosure requirements established under the Act. The applications of those exemptions are exceedingly case specific and usually not clear cut. Every exemption is narrowly construed and TAS has the burden of establishing whether or not a record was legally withheld from disclosure.

Once TAS discloses a record to any member of the public, the disclosure may constitute a waiver of any exemptions to future disclosure that may have applied. If TAS has waived exemption to disclosure, access to the same record may not be denied to others in the future. A record may not be withheld from production simply because part of the record may be exempt from production. Any reasonably segregable non-exempt portion of a record must be made available after deletion of the portions of the record that are exempt by law.

### **Records Subject to Production**

When a Requestor reasonably describes an identifiable record, TAS has an obligation to make the records promptly available to the Requestor. TAS is prohibited from delaying or obstructing the inspection or copying of records.

Creating new documents in response to a request is not required by the Act or TAS policy, unless prior approval from the CEO has been obtained.

### **Electronic Records**

TAS must provide a copy of an electronic record in the format requested, if the format requested is one TAS has used to create copies for its own use or to provide copies to other agencies. TAS can offer to produce records in electronic format, but cannot make information available only in electronic format. If TAS no longer has a record available in an electronic format, it is not required to reconstruct a record in an electronic format.

### **Requestor's Rights Under the Act**

A Requestor who has been denied access to a record may file a lawsuit to enforce his/her right to inspect or receive a copy of the record. If the court finds that refusal to disclose the record was unjustified, the court may enter an order requiring its disclosure. The court may also order TAS to pay reasonable attorneys' fees and court costs. If the court finds the refusal to disclose was justified, TAS may recover its attorneys' fees only where it can demonstrate that the request was clearly frivolous.

### **Violations of the Public Records Act Policy**

Violations of this policy may subject a TAS employee to professional liability, including, but limited to discipline, demotion, or dismissal. Violations of certain portions of this policy may also violate state and/or federal law. Failure of personnel to comply with these policies could result in the employee being sued for a violation of privacy rights or being prosecuted by a governmental agency charged with enforcing those rights.



