

BP 3300 Public Records

09/25/23



P&P Chapter Lead Recommendation
San Bernardino Community College District

Current Step:
BOT 1st Reading

Point Person	Date Requested	Anticipated Date of Recommendation:	Recommendation Received:
J Torres	8/7/2023	Recommendation Received	9/6/2023

Reason(s) for Review/Changes

- > Legal Update 42: The Service updated this policy to reflect recent reorganization and renumbering of the California Public Records Act.

Review Level

Level 1

Anticipated AP2410 Schedule *(for info on this process, visit <https://sbccd.edu/ap2410>)*

- 09/18/2023 PPAC Approves Review Level
- 09/19/2023 Level 1 to Constituents for Information Only
- 10/19/2023 BOT First Reading
- 11/09/2023 BOT Final Approval

Action Requested

1. Please review this Chapter Lead recommendation based on the reasons above.
2. Staff recommended changes are **shown in red**.
3. Legal changes are **shown in blue** and should only be considered **optional** if indicated.
4. If there are no changes showing, this item is being presented for information only.
5. For questions on this recommendation, please contact J Torres or kgoodric@sbccd.edu.

RECOMMENDATION STARTS ON NEXT PAGE



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Reason(s) for Review/Changes

> Legal Update 42: The Service updated this policy to reflect recent reorganization and renumbering of the California Public Records Act.

The Chancellor shall establish procedures for records management, including access by the public, that comply with the requirements of the California Public Records Act.

References:

Government Code Sections [7920.000](#) ~~6250~~, et seq.

End of Recommendation for BP 3300 Public Records

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Reason(s) for Review/Changes

> FYI Only

Members of the public may request to inspect or copy public records. A request by a member of the public may be delivered by mail or in person to the Chancellor's Office.

Any request shall identify with reasonable specificity the records that are sought. If additional information is needed, the Chancellor or designee may request it be provided in writing.

Any request to inspect records shall be made sufficiently in advance of the date of inspection to allow staff members time to assemble the records and identify any records that may be exempt from disclosure.

Members of the public shall be assisted in identifying records or information that may respond to their request. Assistance that will be provided includes: the information technology and physical location in which the records exist; practical suggestions for overcoming denial of access to the records or information; and the estimated date and time when the records will be made available.

Within ten days, the Chancellor or designee will determine whether the records can be produced and will communicate the determination to the member of the public requesting the record(s).

Records that are exempt from disclosure under the Public Records Act or any other provision of law may not be inspected or copied by members of the public. Social security numbers must be redacted from records before they are disclosed to the public.

The most common exemptions for community colleges include:

- Student records (Education Code Section 76243)
- Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding the records clearly outweighs the public interest in disclosure. (Government Code Section 6254(a))
- Records pertaining to pending litigation ...or to claims...until the pending litigation or claim has been finally adjudicated or otherwise settled. (Government Code Section 6254(b))
- Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code Section 6254(c))
- Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination [except for standardized tests provided for by Education Code Sections 99150 et seq.]. (Government Code Section 6254(g).)
- The contents of real estate appraisals or engineering or feasibility estimates and evaluations...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 agreement obtained. (Government Code Section 6254(h)).
- Internet posting of home address or telephone numbers of local elected officials (Government Code Section 6254.21)
- Home address, home telephone number, cellular phone number, and date of birth of employees of a school district or county office of education (other than to an agent or family member of the employee, to an officer of another school district when necessary, to an employee organization, or to an agency or employee of a health benefit plan.) (Government Code Section 6254.3)



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- Personal email addresses (other than to an agent or family member of the employee, to an officer of another school district when necessary, to an employee organization, or to an agency or employee of a health benefit plan) unless the email address is used by the employee to conduct public business, or necessary to identify a person in an otherwise disclosable communication. (Government Code Section 6254.3(b)).
- Records regarding alternative investments (i.e. an investment in a private equity fund, venture fund, hedge fund, or absolute return fund; limited partnership, limited liability company or similar legal structure) involving public investment funds, unless already publicly released by the keeper of the information.
- Information security records, if disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, the District's information technology system.
- Identification number, alphanumeric character, or other unique identifying code that a district uses to identify a vendor or contractor, or an affiliate of a vendor or contractor, unless the identification number, alphanumeric character, or other unique identifying code is used in a public bidding or an audit involving the public agency. (Government Code Section 6254.3)

The District will comply with the provisions of Penal Code Sections 832.7 and 832.8 regarding the disclosure of specified peace officer and custodial officer personnel records when responding to Public Records Act requests.

References:

Government Code Sections 6250, et seq.

Penal Code Sections 832.7 and 832.8

End of Recommendation for AP 3300 Public Records