

**POLICY AND PROCEDURE**  
**UNION PUBLIC UTILITY DISTRICT**

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DATE ADOPTED: 01/24/2024	MANUAL	POLICY NO. 3020
APPROVED BY: Board of Directors	POLICY TITLE <b>Public Records Act Policy</b>	Page 1-3

**PURPOSE OF POLICY**

This Public Records Act Policy is established to ensure compliance with California’s Public Records Act (PRA) and to provide guidelines for the management, retention, and disclosure of public records maintained by Union Public Utility District. Union Public Utility District is committed to transparency and accountability in its operations, and this Policy aims to facilitate the public's right to access public records while safeguarding sensitive information.

**CALIFORNIA PUBLIC RECORDS ACT**

3020.1 The California Legislature has declared 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 California Public Records Act, Government Code Section 6250 et seq., requires public records to be available to the public upon request. Union Public Utility District has established the following guidelines to ensure that members of the public fully understand and are afforded the opportunity to use their right to inspect and obtain copies of public records.

3020.2 “Public records” include any writing containing information relating to the conduct of the public’s business prepared, owned, used or retained by the District, regardless of physical form or characteristics. “Writing” means handwriting, typewriting, printing, photography and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds or symbols or any combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents. “Member of the public” means any person, except a member, agent, officer or employee of federal, state, or local agency acting within the scope of his or her membership, agency, office, or employment.

3020.3 Records in Electronic Format - Upon request, the District shall make available any public record in any electronic format in which the District holds the information or in the format requested, if the requested format is one that has been used by the District to create copies for its own use or for provision to other agencies.

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3020.4 All requests for public records can be made on The District’s **Public Records Act Request**, with a verbal request or with a written request. The District will provide the requested information or an explanation as to why it cannot be disclosed as soon as possible, consistent with the California Public Records Act.

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3020.5            The District has 10 calendar days in which to respond to the request and a reasonable amount of time to produce the documents.

#### **RECORDS NOT OPEN FOR INSPECTION:**

3020.6            The following records are not open for public inspection:

1. Preliminary drafts, notes or interagency or intraagency memoranda which are not retained by the District in the ordinary course of business, provided that the public interest in withholding those records clearly outweighs the public interest in disclosure.
2. Records pertaining to pending litigation to which the District is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such litigation or claim has been finally adjudicated or otherwise settled.
3. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.
4. Geological and geophysical data, plant production data, and similar information, relating to utility systems development, or market or crop reports, which are obtained in confidence from any person.
5. Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination.
6. The contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the District 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.
7. Records the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.
8. Statements of personal worth or personal financial data required by the District acting in the capacity of a licensing agency and filed by an applicant with the District to establish his personal qualifications for the license, certificate, or permit he seeks.
9. Memoranda, correspondence, and writings submitted to the District or its Board of Directors by District's legal counsel pursuant to the attorney-client privilege.
10. The District is prohibited from allowing public access to "trade secrets." "Trade secrets" as used in this context may include, but is not limited to, any formula, plan, pattern, process, tool mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.
11. Records pertaining to a utility customer, except to an agent or authorized family member of the customer in question, governmental or law enforcement agencies when appropriate, or unless disclosure is specifically required by law.
12. Documents related to Vulnerability Assessment.
13. The District also possesses the discretion to claim an exemption in those instances where the public interest served by not making the record public clearly outweighs the public interest served by disclosure.

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**CHALLENGE TO THE DISTRICT'S DETERMINATION NOT TO DISCLOSE RECORDS:**

3020.7 Under the California Public Records Act, Government Code Section 6258, any person may seek injunctive or declarative relief in any court of competent jurisdiction to enforce the right to inspect or to receive a copy of any public record.

3020.8 Retention of all District documents is governed by Policy #3090, Records Retention.