

PPM 489: CPRA and CIPA Records Requests

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TABLE OF CONTENTS

I. POLICY SUMMARY.....	2
II. DEFINITIONS.....	2
III. POLICY TEXT.....	2
IV. COMPLIANCE / RESPONSIBILITIES.....	4
V. PROCEDURES.....	4
VI. RELATED INFORMATION.....	6
VII. FREQUENTLY ASKED QUESTIONS.....	6
VIII. REVISION HISTORY.....	7

**Note: For links to referenced documents see
Section VI, *Related Information*, below.**

I. POLICY SUMMARY

- A. This section of the Policy and Procedure Manual (PPM) for the University of California (UC) Agriculture and Natural Resources (ANR) describes the local implementing procedures for the California Public Records Act (CPRA) and the Information Practices Act of 1977 (CIPA) in the UC ANR environment.
- B. UC ANR supports the principle that access to information concerning the conduct of business at a public University is a right of every citizen; however, that right is limited when appropriate to protect the individual's fundamental right of privacy.
- C. The information provided in this section of the PPM is general in nature and does not address all of the different kinds of requests that may be made for records under the CPRA and the CIPA. Please direct questions to the UC ANR Information Practices Coordinator (contact information on page 1 above).

II. DEFINITIONS

- A. **California Public Records Act (CPRA):** A state law found in California Government Code, Section 6250 et seq., concerning the disclosure of public records. The CPRA is based upon the principle that access to information concerning the public's business is a fundamental and necessary right. Under the CPRA, records maintained by the University are subject to inspection by the public upon request unless specifically exempted from disclosure under the law.
- B. **Information Practices Act of 1977 (CIPA):** A state law found in California Civil Code, Section 1798 et seq., the CIPA protects an individual's privacy rights if University records include their personal information. The CIPA also allows an individual to request and access certain records, upon verification of identity, containing their own information maintained by the University.
- C. **Public Record:** A "public record" under the CPRA is "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." This definition includes records maintained as paper hard-copies, electronic files, photographs, drawings, audio recordings, handwritten notes, and any other tangible forms that a record may take. Upon request, the University must disclose public records unless a specific exemption from disclosure applies.
- D. **Information Practices Coordinator:** The individual at each UC location responsible for administering responses to records requests, and providing guidance to constituents at their locations on matters related to the access, use, and disclosure of information maintained in administrative records.

III. POLICY TEXT

A. Background

The University of California is included among agencies governed by the CPRA and the CIPA, as acknowledged in UC records policies. UC is a public institution whose

officers and employees generate records in the regular performance of their duties. In general, these records fall within the jurisdiction of the CPRA and CIPA.

B. The CPRA (Request for Documents That Are Public)

1. General

The CPRA declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in the State, and that public records are open to inspection by every person except as provided in the CPRA. The CPRA is modeled on the federal Freedom of Information Act (FOIA), which applies to federal agencies.

2. Exemptions

UC ANR will provide access to all public records upon request, unless the law provides an exemption from mandatory disclosure. Examples of exempt records may include: personnel records, investigative records, drafts, confidential legal advice, records prepared in connection with litigation, and information that may be kept confidential under other state or federal laws. (See Gov. Code § 6254 et seq.) While the CPRA requires the release of non-exempt, existing records in response to requests, it does not require that UC answer questions, perform research, or create new records or reports.

3. Timeline

Under the CPRA, agencies must notify the requester within 10 days if they have requested deliverable public records or exempt material or some combination of the two. The law, however, does not require the production of the records within 10 days. The law requires that production be made in a "reasonable" amount of time, based upon the volume of the records requested and the necessary review process.

4. Fees

The CPRA provides that a fee may be charged to cover the direct costs incurred in making copies of records or information requested. A fee of twenty cents per page (whether hard copy or electronic) may be charged for photocopying/scanning to cover the direct cost of duplication. When electronic data is compiled or extracted, or if computer programming is required, additional charges may apply. UC ANR may require payment before producing the records. Charges may not be made for locating, reviewing, redacting, or assembling records, except for some types of data stored in electronic format.

C. The CIPA (Requests for Documents That Are Personal to the Requester)

1. General

The fundamental precept of the CIPA is that with the proliferation of information being collected by governmental agencies about individuals, individuals should have the right to know, with some legally recognized exceptions, what information has been collected and have access to it. UC ANR supports the principle that

access to information concerning an individual is a right of every citizen; however, there are legally recognized limits.

2. Exemptions

The law restricts the release of certain confidential parts of a record to the person who is the subject of the record, for example, in the case of a criminal investigation. However, the individual must be notified that the record exists but that disclosure is not required by law.

3. Timeline

Under the CIPA agencies must produce records within 30 days for active files or other information and within 60 days for inactive files, unless the information is covered by the exceptions to disclosure.

4. Fees

The CIPA provides that a fee may be charged to cover the direct costs incurred in making copies of records or information requested. A fee of twenty cents per page (whether hard copy or electronic) may be charged for photocopying/scanning to cover the direct cost of duplication.

D. Records Production

For both the CPRA and the CIPA, the decision whether to disclose UC ANR records is governed by numerous state and federal statutes, as well as internal University controls. The process is complex, and usually involves legal and policy analysis and determinations. Accordingly, the Information Practices Coordinator must make the determination as to what is to be released, in consultation with the Office of the General Counsel of The Regents, if necessary.

IV. COMPLIANCE / RESPONSIBILITIES

A. UC ANR Vice President (Vice President)

The Vice President is responsible for designating an Information Practices Coordinator to administer and implement this policy at UC ANR.

B. The Information Practices Coordinator

The Information Practices Coordinator is responsible for the administration and implementation of this policy at UC ANR. They are responsible to review records requests, determine their disposition, and to make redactions as appropriate in accordance with the CPRA and the CIPA.

V. PROCEDURES

A. How to Make a Records Request

1. The Information Practices Coordinator coordinates all responses to CPRA and CIPA requests in order to ensure that UC ANR meets the associated legal requirements. Records request should be directed to the following:

UC ANR Information Practices Coordinator
UC Agriculture and Natural Resources
2801 Second Street
Davis, CA 95618-7774

See contact information on page 1 above for email address.

2. Requests for records should be made in writing (email is acceptable) and must be specific enough to locate the records. Requests should be as descriptive and as detailed as possible. For example, they should include (if applicable):
 - Date ranges
 - Titles of documents and/or subject matter
 - Names of units, offices or employees who likely would have records.

UC ANR will be able to respond more quickly if requests are narrowed to specific records or documents, to the extent possible.

3. CPR requests may be made anonymously, as long as contact information is provided (such as an email address) for correspondence and records release. CIPA requests cannot be made anonymously, as these documents usually are not public records. Accordingly, all CIPA requests must include a consent signed by the individual who is requesting access to their personal records. Proper identification must be obtained. Verification of identity in CIPA requests protects the requestor's private information.

B. What to Do If You Receive a Records Request

It is important that the Information Practices Coordinator administer the request on behalf of UC ANR, including consultation with the Office of General Counsel as appropriate; therefore, UC ANR personnel that receive a records request SHOULD NOT RESPOND DIRECTLY to the requestor. It is very important to IMMEDIATELY NOTIFY the Information Practices Coordinator responsible for these requests. The law requires certain information be provided to the requesting party within ten calendar days, so time is of the essence.

C. Responding to a Records Request

1. The Information Practices Coordinator will review the records request, will consult with the record holder, and will develop an appropriate response tailored to the specific request at hand. Meanwhile, the record holder should gather together all records that may be responsive to the request, and forward one complete copy to the Information Practices Coordinator.
2. Once responsive documents have been gathered by the record holder and provided to the Information Practices Coordinator, they will be reviewed and the Coordinator will determine if any of the exemptions under the law apply. If the records can be disclosed, the Information Practices Coordinator will identify any exempted information contained within the records that must be redacted.
3. UC ANR personnel should not create records that do not otherwise exist to

respond to a public records request. This is not a requirement of the law.

VI. RELATED INFORMATION

- [California Public Records Act \(CPRA\)](#)
- [Information Practices Act of 1977 \(CIPA\)](#)

VII. FREQUENTLY ASKED QUESTIONS

A. What is the difference between the CPRA and the CIPA?

Under the CPRA, all records maintained by the University are potentially subject to disclosure unless they fall into an authorized exception. Any member of the public can make a request for records under the CPRA.

Under the CIPA, the public has very limited rights to personal information about another individual. Personal information is defined as any information maintained by the University that identifies or describes an individual. Most personal information is considered confidential and not disclosable to the public. However, individuals have the right to access certain personal information about themselves held by the University with few exceptions. Proof of identification may be required when releasing records made under the CIPA.

B. What are some examples of records that are not public under the CPRA?

1. Any record for which it can be demonstrated that the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record.
2. Preliminary drafts, notes or intra-University memoranda not retained by the University in the ordinary course of business, provided that the public interest served in withholding such material clearly outweighs the public interest in disclosure.
3. Records pertaining to pending litigation to which the University is a party.
4. Records or complaints to, or investigations conducted by agencies for correctional or law enforcement purposes.
5. Test questions, scoring keys, and other examination data.
6. Real estate appraisals, engineering feasibility estimates and evaluations, relative to the acquisition of property, or public supply and construction contracts, until all of the property has been acquired or contract agreement obtained.
7. Library and museum materials acquired and presented solely for reference or exhibition.
8. Any record, the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including provisions of the evidence code relating to the physician-patient, psycho-therapist-patient, lawyer-client, and official confidential privileges.
9. Personnel, medical, or similar files, the disclosure of which would constitute an

unwarranted invasion of personal privacy.

VIII. REVISION HISTORY

Not applicable (initial issuance of policy).