



# VENTURA COUNTY FIRE PROTECTION DISTRICT GUIDE TO PUBLIC RECORDS

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**Introduction:**

The California Public Records Act (**PRA**), Government Code Section 6250 et seq., is California States' equivalent to the Freedom of Information Act that is specific to the Federal Government. In enacting the PRA, the legislature stated that access to information concerning the conduct of the public's business is a fundamental and necessary right for every person in the State. Cases interpreting the PRA also have emphasized that its primary purpose is to give the public an opportunity to monitor the functioning of their government.

Privacy is a constitutional right and a fundamental interest that is recognized by PRA. There are existing statutes, both state and federal, in place that identifies specific protected information.

The Ventura County Fire Protection District is committed to provide members of the public with their full rights of access to District records under the PRA while complying with all privacy statutes. The goal of this document is to ensure that members of the public receive prompt, accurate and thorough responses to their requests for public records maintained by the District.

**"Public Record" under PRA:**

Almost every document in the possession of the District is a "public record" under PRA. Some public records are, however, exempt from disclosure. Only purely personal information unrelated to the conduct of the public's business would be considered to not be a public record.

Under Government Code Section 6252 the term "public record" is broadly defined to include "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."

“Writing” means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

Records will be provided in the same form, as they exist at the District.

The District is not required to create a new record in response to a public records request. In addition, the District is not required to respond to prospective requests.

**Protected Health Information:**

The District provides pre-hospital medical care and as such is subject to both the federal HIPAA and California’s Confidentiality of Medical Information Act (CCMIA). Protected health information that is generated by the District will not be released without a properly completed District “Authorization for Use and Disclosure of Protected Health Information and Records” form, or subpoena that includes a Notice to Consumer with proof of service, or a court order.

The release of protected health information to a law enforcement agency is permitted under HIPAA and CCMIA when the patient is a minor or dependent adult and the law enforcement officer completes the Districts form for “Release of Protected Health Information to law enforcement’ that stipulates one of the conditions shown below:

- Has written consent to disclosure signed by legal representative of the minor or dependent adult, or
- Has a search warrant, or
- Has a subpoena with proof of service of notice to legal representative of the minor or dependent adult, or
- Believes the disclosure of the medical information is necessary to prevent serious harm to the minor, the dependent adult or other potential victims, and an immediate enforcement activity will be materially and adversely affected by waiting until consent to disclosure can be obtained.

**Exempt Records:**

The PRA provides a list of specific exemptions from disclosure in Government Code section 6254 and other sections. Typical exemptions include the following:

- Preliminary drafts, notes, or interagency or intra-agency memoranda that 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.
- Confidential communications between the District and lawyers for the District protected by the attorney-client privilege.
- Records pertaining to pending litigation to which the District is a party.
- Records whose disclosure is exempted or prohibited pursuant to federal or state law, including HIPAA and CMIA (protecting medical information), copyright laws (restricting reproduction of building plans and drawings submitted to the Fire District).
- Records where the public interest served by withholding disclosure clearly outweighs the public interest served by disclosure.

If a responsive record contains both exempt and non-exempt information, the District's Custodian of Records office will redact the exempt material and make the remainder of the record available to the requesting party along with written notice for the reason for redaction and the name and title of the individual who authorized it.

**PRA Request Requires Prompt Action:**

PRA Timelines:

- The District has 10 calendar days from the date the request is received at District Headquarters, to provide records that are routinely provided to the public.
- The District may extend the time by an additional 14 calendar days under certain circumstances. Those circumstances include:
  - a) The District must search for, collect and appropriately examine a voluminous amount of separate and distinct records included in a single request;
  - b) The District must search for and collect the requested records from a remote storage facility or location separate from District Headquarters;
  - c) The District must consult with another agency or County Department that has substantial interest in the response to request;
  - d) The District has the need to compile data or to construct a computer report to extract data.

- Requests for a copy of a 911 call will take 10 days minimum.
- If the District extends the time to respond, the District's Custodian of Records office will notify the requesting party in writing within the initial 10-day response period of the reason(s) for the extension and the estimated date for the response.

In some cases, the request for a record is premature to the records existence. If this situation occurs the District's Custodian of Records office within the 10-day period, will return the requestor's request form along with any payment and advise the requestor that the record does not yet exist and recommend a waiting period before they resubmit their request. Two examples of this:

- A 'Fire Investigation Report' may not be completed until many weeks or months after a fire.
- A significant Wildland Fire incident will result in the generation, collection, and storage of voluminous information specific to the incident. The information flows that will eventually create a record may take many weeks beyond the incident and arrive piecemeal from the many sources. When all documentation has been collected and assembled the record will be considered complete and will be available to the public upon request.

### **Requesting Public Records from the District**

Request for records may be oral, in writing, or utilizing the electronic forms on the Districts website under 'Public Records', to be received from the public at Fire District Headquarters located at 165 Durley Ave., Camarillo, CA 93010. The requestor does not have to provide a reason for the request. The District's Custodian of Records office is responsible for receiving and responding to requests for public records. To the extent reasonable under the circumstances, the Custodian of Records office will assist the public to make a focused and effective request that reasonably describes an identifiable record or records. The District's Custodian of Records office will accomplish this by doing the following:

- Assisting the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
- Describing the information technology and physical location in which the records exist.

- Although the requestor may remain anonymous, it would be beneficial to an effective and efficient search for the Custodian to have contact information so that additional questions and/or clarifications can be accomplished to expedite the search.
- The Custodian will provide suggestions for overcoming any practical basis for denying access to the records or information sought.

If the District's Custodian of Records office is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester which would help identify the record or records, the Custodian will advise the requestor in writing that no records were found and that the requirement to assist the member of the public is deemed satisfied.

As mentioned previously, records that contain protected health information will require the completion for the Districts form; "Authorization for Use & Disclosure of Protected Health Information and Records", or the requestors' copy will be redacted prior to release. Records that are redacted will be accompanied by a letter from the Custodian providing the reason for redaction and include the name and title of the individual who authorized the redaction.

To assist the public, the District has created specific record request forms for the most common requests and also the above mentioned medical release form, all of which are available at the Fire District Headquarters public counter, or downloaded from the Fire Districts Website (<http://vcfd.org/publicrecords>), or upon request to the Fire District's Custodian of Records office, the forms will be provided via FAX, EMAIL or U.S. Mail.

The Custodian of Records Office may be contacted by phone at **(805) 388-4718** or EMAIL at [FirePublicRecords@Ventura.org](mailto:FirePublicRecords@Ventura.org).

#### **Inspection of Records:**

With limited exceptions relating to the gathering of voluminous or hard-to-find records, or segregating out those records or parts of records that are exempt from disclosure, public records are open to inspection at all times during normal office hours of District Headquarters which are 8 A.M.-11 A.M. and 1 P.M.- 4:30 P.M., Monday through Friday, except Holidays. The right of the public to inspect, however, is subject to an implied rule of reason which enables the Custodian of Records for the District to formulate regulations necessary to protect the safety of the records against

theft, mutilation or accidental damage, to prevent inspection from interfering with the orderly function of the office and its employees, and generally to avoid chaos in the record archives.

To make the most efficient use of the public's time, it is suggested that the requestor make contact with the Districts' Custodian of Records to set up a time and place for record inspection. The Custodian of Records can be contacted at (805) 388-4718.

During inspection the requestor may request that the Custodian make copies of specific records. Depending on the quantity of the records to be copied, the Custodian may elect to take up to 10 calendar days to complete the copy process. There is a fee for copying records. See 'Fee's' section below.

Records that in part are exempt and would require redaction will not be provided for inspection. At the requestors' options a redacted copy will be provided and the existing fee assessed to the requestor.

**Fees:**

Under PRA the District does not charge for the search for records. There are fees charged for the copying of physical and some electronic records. These fees will reflect the actual cost for time, materials and equipment costs used to copy the records. The District, at their option can elect to use a copy service and bill the requestor for the actual cost. Use of a copy service is generally done when the records are voluminous and/or their physical size cannot be accommodated. The Custodian prior to the use of a copy service will consult with the requestor. The Custodian may require the deposit of the estimated copying fees in advance of making copies.

**How will records be provided:**

The majority of the records are in digital form and can be provided via Email (limited to size), CD or Thumb Drive. Physical records that are 20-pages (8-1/2 X 11 size paper) or less will be mailed (First Class U.S. Mail) or may be picked up at District Headquarters at the option of the requestor. Large mailings in excess of 20 pages or when the requestor selects the use of alternate delivery will be at the expense of the requestor.

**Abandoned Requests:**

The District will hold any responsive records for 30 days after the date of its written response to the requesting party. A requesting party who is unable to inspect the records or collect copies within the 30-day period may contact the Districts Custodian of Records

office to make arrangements to inspect or collect the copies at a later date. After the 30-day period, however, if the requesting party has not made such arrangements with the Custodian of Records office, the District will return the records to their appropriate files or storage. After that time the requestor will need to submit a new request to obtain the records.

**Denial of Records:**

When a record is exempt and its disclosure is denied, the Fire District will contact County Counsel for further review and direction. If the denial of disclosure of the record is sustained, the Custodian of Records will log the denial in its "Denial Log" and provide a summary of the denial to the Fire Chief and the County Executive Office.