



CENTER ON RACE, POVERTY & THE ENVIRONMENT
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Public Records Act Basics

The Public Records Act requires that public records are open to inspection at all times during the office hours of an agency, and that every person has the right to inspect and receive an exact copy of a record, unless impracticable. However, there are some exceptions, which will be described below.

Who is covered?

- All state and local agencies.

Who is not covered?

- Courts
- Private Non-profit corporations
- Other private entities

What can the public have access to?

Any member of the public can have access to all communications related to public business regardless of what physical form or other characteristics the record has. This includes written documents, pictures, audio records, symbols, and electronic data.

What are the exceptions?

The following types of public records are exempt from Public Records Act requirements:

- 1) Attorney Client Discussions
- 2) Home Addresses
- 3) Personnel, medical and other similar files that would reveal intimate, private details. This does not include employment contacts, however, which are not exempt from the Act.
- 4) Financial data including tax, welfare, and family adoption and birth records.
- 5) Records regarding agency litigation are exempt until the claim is resolved or settled.
- 6) Police incident reports, rap sheet and arrest records.
- 7) Preliminary drafts and notes may be withheld only if they are not normally kept and the public interest in withholding the drafts clearly outweighs the public interest in disclosure.
- 8) Appointment calendars and phone records which reveal the thought process of government decision-makers may be withheld only if the public interest in withholding the drafts clearly outweighs the public interest in disclosure.

Practice tips:

- Public officials do not have to create a record that does not otherwise exist because of a public records act request.

Source: "A Pocket Guide to The California Public Records Act," www.thefirstamendment.org

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