

San Mateo County Harbor District

Policies and Procedures	5.4.0	Date: 6/21/17	Revision:
Title: Public Records Act Policy	Prepared By: G. Lazof	Approved By: Board of Harbor Commissioners	Page: Page 1 of 2
Purpose: To Ensure Compliance with California Public Records Act			

STATEMENT OF PURPOSE:

To ensure that the San Mateo County Harbor District complies with the California Public Records Act

POLICY:

The public has a right to access records of the San Mateo County Harbor District in accordance with the California Constitution and the California Public Records Act (California Government Code 6250 et seq.) and any amendments thereto.

Consistent with the California Public Records Act (Act), public records are available upon request and are open for inspection at all times during office hours. Every member of the public has a right to inspect any public record, except those records exempted from disclosure under the Act. The District is not required to create a record in response to a public records request. In addition, the District is not required to respond to prospective requests by providing records not yet in the District's possession or records that will be created in the future.

Determination as to whether a requested record is a public record and available for inspection or copying, as well as decisions to withhold a record, will be made by the General Manager, in consultation with District Counsel as necessary.

The District will respond to every public records request in accordance with the Act. If a request does not reasonably describe an identifiable record, the requested record does not exist, or the record is exempt from disclosure, the District will respond and inform the requester. In order to assist a member of the public to make a focused and effective request, the District will make a reasonable effort to elicit additional clarifying information from the requester that will help identify the record(s).

To facilitate the District's compliance with the Act, all District employees and officials should adhere to the following requirements:

- To the greatest extent possible, emails that relate to District business should be sent to and from employees' and officials' "@smharbor.com" email

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accounts. Ordinarily, no public business should be conducted on personal email accounts. If personal email accounts must be used for District business, employees and officials should (a) copy such an email sent from their personal account to their District email account and (b) forward any such email sent to their personal account to their District email account promptly upon receipt.

- Conducting District business via text messaging or via social media is discouraged. For those District employees or officials who are provided with a District telephone, text messages that relate to District business should be sent to and from the phone number associated with that phone and not from a personal phone number or other personal text messaging service (for example, WhatsApp).

Under the California Supreme Court's interpretation of the Act, communications that relate to District business may be public records even if such records are located on an employee's or official's private device or personal account:

- If a member of the public requests public records sent to or from an employee or official's personal account or private device, the District will forward the request to the employee or official.
- The employee or official will make reasonable efforts to locate responsive records and will provide such records to the General Manager, or designee, in a timely fashion.
- Determining what efforts are reasonable and what records are responsive will depend on specific facts and circumstances, but always in light of the public's rights under the Act.
- Employees and officials will seek guidance from the General Manager or District counsel when it is difficult to determine whether a particular record is a public record.
- Ultimately, the District will rely on its employees and officials in complying with the Act and so the District's compliance will in part depend on the cooperation of its employees and officials.

The General Manager is authorized to develop procedures, and to amend those procedures from time to time as may be necessary, consistent with this Policy and to ensure compliance with the Act. Only the Board of Commissioners is authorized to amend this Policy.