I. **INTRODUCTION**

The purpose of both the California Public Records Act and McKee Transparency Act is to promote “access to information concerning the conduct of the people’s business which is a fundamental and necessary right of every person in this state.” Further, the California constitution makes clear that the public’s rights of access must be broadly construed and all exceptions narrowly construed.

There can be confusion about what constitutes a request under the Acts. Obviously, something in writing that formally references either Act constitutes such a request. However, something less formal, which does not reference the Acts, constitutes a request. Neither the Public Records Act nor McKee Records Act requests have to be in writing and may be made orally. However, for purposes of clarity, an individual should be asked to make the request in writing. When necessary, the record owner may be required to assist the requestor in making a focused and effective request that reasonably identifies a record or records.

All records maintained by the University and its Auxiliaries are potentially subject to disclosure under these Acts, including those in electronic and hard copy. There are numerous exceptions established by the Acts and it is extremely important that records which are excluded from disclosure are not disclosed to the public.

A person who has been denied access to a public record may file a lawsuit to enforce his/her right to inspect or receive a copy of the public record. If the court finds that refusal to disclose the record was unjustified, the court may enter an order requiring its disclosure. The court may also order the University to pay reasonable attorneys’ fees and court costs.

To ensure that the University and its Auxiliaries produces records in accordance with the Acts and does not produce records which are excluded from disclosure under the Acts, University procedures which comply with both the Acts and CSU policy have been established.

II. **DEFINITIONS**

**Public Records** Any writing containing information relating to the conduct of the public’s business which has been prepared, owned, used, or retained by the University regardless of physical form or characteristics.

**Writing** Any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means or recording upon any tangible thing and 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.
III. Records Request Response Procedures

These procedures are provided in general terms as the appropriate University or Auxiliary response may vary based on the request. The Office of Information Security Management and Compliance will work closely with the records owner to ensure that the University response is made in accordance with each Act.

1. All requests for Records received by a University office or employee must promptly be forwarded to the Office of Information Security Management and Compliance. Since the University has a legal obligation to acknowledge the request in writing within ten days from receipt, it is extremely important to avoid any delay in providing the request to Information Security Management and Compliance.

2. Information Security Management and Compliance will take necessary action to ensure that the University meets all legal requirements of each Act including, but not limited to,
   - determining whether or not the records requested are subject to the Act(s);
   - providing written response to the requester within 10 days*;
   - providing notice to the Office of General Counsel; and
   - providing additional written notifications to the requestor as required by the Act.

   *Note: It is not necessary to provide the actual requested records with the ten-day initial response time. If records are available for disclosure, they must be made available for inspection or copying within a reasonable amount of time based on their volume and complexity.

3. When a determination has been made that the records requested are subject to the Act(s), Information Security Management and Compliance will work with the records owner to produce and provide the record or to make the record available for inspection.

FURTHER INFORMATION
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