



San Gabriel / Pomona Regional Center

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CALIFORNIA PUBLIC RECORDS ACT POLICY

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ARTICLE I. INTRODUCTION

Effective January 1, 2026, the San Gabriel/Pomona Regional Center ("SG/PRC") is subject to the California Public Records Act ("CPRA")¹ pursuant to Welfare and Institutions Code section 4639.76, as enacted by Assembly Bill 1147 (Disability Equity, Transparency, and Accountability Act of 2024)². This policy establishes the procedures for responding to public records requests in compliance with CPRA requirements, ensuring transparency, accountability, and timely access to public records. As a publicly funded entity, this agency recognizes the public's right to access records related to its operations, decision-making, and use of resources. This policy applies to public records maintained by the agency, including electronic, written, and stored communications that qualify as public records. All agency employees, contractors, and representatives must adhere to these procedures to ensure compliance with the law and to maintain public trust.

ARTICLE II. PURPOSE

The purpose of this policy is to provide direction on how to receive, process, and respond to requests to inspect or receive copies of SG/PRC records. All requests for SG/PRC records will be handled pursuant to the provisions of the CPRA.³

ARTICLE III. DEFINITIONS

Section 3.1 Definitions

- A. **SG/PRC personnel** shall collectively refer to all SG/PRC employees, board members⁴, appointed officials, and anyone who prepares, owns, uses, or retains public records on behalf of the SG/PRC.
- B. **CPRA Analyst** PRA and Policy Compliance Manager or designee.

¹ Gov. Code, § 7920.000 *et seq.*

² Welf. & Inst. Code, § 4639.76

³ Gov. Code, § 7920.000 *et seq.*

⁴ Welf. & Inst. Code, § 4622

- C. **CPRA Portal** is a web-based system where members of the public may submit CPRA requests to the SG/PRC and SG/PRC may respond, including the production of records.
- D. **CPRA Request** is a request by a Person⁵ to inspect and/or to receive a copy of SG/PRC records. Commonly requested records include emails related to a particular subject matter and SG/PRC contracts.
- E. **Person** a "Person" includes any natural person, corporation, partnership, limited liability company, firm, or association.⁶
- F. **Public Record** is defined by the CPRA and includes any writing that contains information relating to the conduct of the public's business prepared, owned, used, or retained by the SG/PRC regardless of physical form or characteristics, and regardless of whether created or transmitted on or by a SG/PRC-owned device.⁷
- G. **Writing** shall mean any typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and any record thereby created, regardless of the manner in which the record has been stored.⁸

Section 3.2 General Scope

This policy applies to all SG/PRC personnel and shall be interpreted to be consistent with other SG/PRC-wide policies.

ARTICLE IV. POLICY & PROCEDURES

Section 4.1 Policy and Procedures

Every Person⁹ has a fundamental right to copy and inspect public records.¹⁰ It is important for the SG/PRC to properly gather potentially responsive records, review the records for privileged or exempt information, and produce responsive, nonexempt documents in a timely manner. The CPRA Analyst is responsible for gathering responsive records, making the appropriate redactions, and responding to the requester. However, it is the responsibility of all SG/PRC personnel to assist in identifying responsive records and prioritizing CPRA requests as reasonably permitted by their job duties.

⁵ Gov. Code, § 7920.520

⁶ Gov. Code, § 7920.520

⁷ Gov. Code, § 7920.530

⁸ Gov. Code, § 7920.545

⁹ Gov. Code, § 7920.520

¹⁰ Gov. Code, § 7921.000

This policy shall be interpreted to be consistent with CPRA statutes, case law, and other governing authority.

Section 4.2 The CPRA Request

- A. Any Person may make a records request. The SG/PRC cannot require that the requester provide their name or other identifying information or the purpose of the request.¹¹ Anonymous requests or fictitious names are permitted. If the requester refuses to give his/her contact information, SG/PRC personnel shall set a date within 10 calendar days for the requester to check on the status of the request.
- B. Any request (verbal or written) to review a record qualifies as a CPRA request. The requester is not required to cite to the CPRA, file a request with a specific office, or use the SG/PRC's CPRA Portal (if applicable).
 - i. If SG/PRC personnel receives a request outside of the CPRA Portal, they may ask but not require the person to use the CPRA Portal. If the person refuses, SG/PRC personnel shall receive the request and then submit the request to the CPRA Portal and process consistent with the rest of these guidelines.
 - ii. SG/PRC personnel should consider whether the requester has a right to the records that is outside of the CPRA (e.g., employee's request to review their personnel file; a request for copies of certified payroll records; a union's Request for Information, etc.).
- C. All CPRA requests shall be forwarded to the CPRA Portal. Any CPRA request involving members of the Board should be brought to the attention of the SG/PRC's General Counsel and Executive Director.
- D. The CPRA Portal shall document the date of the CPRA request and assign a reference number.
- E. If the request does not reasonably identify a SG/PRC record, the CPRA Analyst shall make every effort to assist the requester in making a focused and effective request.¹² The CPRA Analyst shall document their efforts to:
 - i. Assist 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.

¹¹ Gov. Code, § 7921.300

¹² Gov. Code, § 7922.600

- ii. Describe the information technology and physical location in which the records exist.
 - iii. Provide suggestions for overcoming any practical basis for denying access to the records or information sought.
- F. Modified requests should be documented in response letters to the requester.

Section 4.3 Gathering Responsive Records

- A. The CPRA Analyst shall immediately notify the SG/PRC personnel most likely to have responsive records.
 - i. It is the responsibility of all SG/PRC personnel to assist in identifying responsive records. After learning of a relevant CPRA request, SG/PRC personnel shall produce potentially responsive records to the CPRA Analyst as expeditiously as possible.
 - ii. When determining whether a record is potentially responsive, SG/PRC personnel shall consider if a reasonable person would interpret the request to include a particular document.
 - iii. SG/PRC personnel shall gather responsive records held on private devices or accounts in accordance with the Electronic Communication Policy XX-XXXX.
- B. Request for emails shall be handled in compliance with the Electronic Communications Policy XX-XXXX. The CPRA Analyst shall work with the IT Department to identify responsive emails including developing a list of key words to include in the search and identifying relevant email addresses.
- C. The CPRA Analyst shall gather all potentially responsive records, including confidential documents and documents potentially subject to privilege. SG/PRC personnel shall not create a record in response to a CPRA request that does not otherwise exist, without supervisor approval. The General Counsel shall be consulted in these instances.

Section 4.4 Response Timelines

- A. The SG/PRC is required to respond to records requests promptly, but no later than 10 calendar days after receipt of the request.¹³ If the tenth day falls on a weekend or a holiday, the due date is the next business day. For example, if the SG/PRC receives a request on February 1, then the tenth

¹³ Gov. Code, § 7922.535

day is February 11. If February 11 is a Saturday, then the response is due on Monday, February 13.

- B. The SG/PRC is not required to produce documents within 10 calendar days, but the CPRA Analyst must respond to the requester in writing with most applicable option below:
- i. Inform the requester that the SG/PRC has no responsive records.
 - ii. Produce non-exempt, responsive records, citing the appropriate exemptions for any redacted or withheld records and identifying the name and title of person responsible for the claim of exemption.
 - iii. Inform the requester that the SG/PRC has responsive records and set a reasonable date in the future for production. The documents may be produced at one time or on a rolling basis. Consult your supervisor about the timing of the production depending on the complexity of the response.
 - a. If the records need to be produced on a rolling basis, establish a production schedule and share the schedule with the requester.
 - b. Production should include non-exempt, responsive records, citing the appropriate exemptions for any redacted or withheld records and identifying the name and title of person responsible for the claim of exemption.
 - iv. Inform the requester that the SG/PRC is taking an extension of 14 calendar days to determine whether it has potentially responsive records. The SG/PRC does not need to request the extension, but may take the extension as matter of right.
 - a. This extension must be made pursuant to Government Code section 7922.535, subdivision (c)(1)-(5), citing one or more of the following reasons:
 - (i) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
 - (ii) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
 - (iii) The need for consultation, which shall be conducted with all practicable speed, with another agency having

substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

- (iv) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.
- (v) The need to search for, collect, and appropriately examine records during a state of emergency proclaimed by the Governor in the jurisdiction where the agency is located when the state of emergency currently affects, due to the state of emergency, the agency's ability to timely respond to requests due to staffing shortages or closure of facilities where the requested records are located. This shall not apply to a request for records created during and related to the state of emergency proclaimed by the Governor.

- b. After the 14 day deadline, the SG/PRC must respond pursuant to Sections 4.4.B.i-iii above.

Section 4.5 Producing the Records

- A. If amenable to the requester, the CPRA Analyst shall make responsive records available via the CPRA Portal. The requester shall not be charged for production pursuant to this subdivision.
- B. The CPRA Analyst may also email responsive records to the requester, if preferred by the requester.
- C. When producing hard copies, the SG/PRC may charge .10 per page plus the cost of postage if the records are mailed.
 - i. There will be no charge for electronic records delivered by email if SG/PRC maintains those electronic records
- ii. There will be a \$5.00 charge for each CD/DVD or flash drive containing electronic records plus the cost of postage if the CD/DVD or flash drive is mailed
 - iii. SG/PRC personnel shall receive payment before making copies that would cost \$20 or more. SG/PRC personnel shall estimate the charge for the copies and inform the requester that the SG/PRC will refund any overages.

- iv. SG/PRC staff may not charge the requester for the time collecting or processing the records and may only charge for the direct cost of duplicating the records.
 - a. Exceptions may be made when the request requires data compilation, extraction, or programming or the SG/PRC would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals. Consult with the General Counsel in these instances.¹⁴

Section 4.6 Exemptions

- A. SG/PRC personnel shall only redact the specific portion of the record that is exempt. Redactions should not only black out the information but also delete any embedded data, such as hyperlinks.
- B. Information contained in a record that is non-responsive to the CPRA request shall not be redacted. Only information that is subject to an exemption may be redacted.
- C. Potentially responsive records shall be reviewed to confirm that the records are public records and to assess whether an exemption applies. Non-public records are records that are primarily personal, containing no more than incidental mentions of agency business. Non-public records are not subject to the CPRA and are not required to be disclosed for a CPRA request.
- D. Common exemptions:
 - i. The “catch-all” exemption. Information or documents may be withheld if the SG/PRC can demonstrate that on the facts of the particular case the public interest served by non-disclosure clearly outweighs the public interest served by disclosure.¹⁵
 - ii. Personnel, medical or similar files of center employees, the disclosure of which would constitute an unwarranted invasion of person privacy.¹⁶
 - iii. SG/PRC employee home addresses, home telephone numbers, personal cell phone numbers, and birth dates.¹⁷

¹⁴ Gov. Code, § 7922.575

¹⁵ Gov. Code, § 7922.000

¹⁶ Gov. Code, § 7927.700

¹⁷ Gov. Code, § 7928.300

- iv. Documents specifically prepared by, or at the direction of, the SG/PRC for use in existing or anticipated litigation.¹⁸
- v. Attorney-Client Privileged Communications or Attorney Work Product.¹⁹
- vi. Trade Secrets²⁰
- vii. Records deemed confidential pursuant to state or federal law (e.g., Welfare and Institutions Code, CMIA, HIPAA).²¹

Section 4.7 Violations

Violation of this policy may result in disciplinary action, up to and including termination.

¹⁸ Gov. Code, § 7927.200

¹⁹ Gov. Code, § 7927.700; Evid. Code, § 954 et seq.; Code Civ. Proc., § 2018.030

²⁰ Civ. Code, § 3426.1(d)

²¹ Gov. Code, § 7927.705

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