

PUBLIC RECORDS REQUEST GUIDELINES

The California Legislature has declared that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. The California Public Records Act, Government Code Section 6250 et seq., requires public records to be available to the public upon request. Kern County Cemetery District has established the following guidelines to ensure that members of the public fully understand and are afforded the opportunity to use their right to inspect and obtain copies of public records.

What are 'public records'?

"Public records" include any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by Kern County Cemetery District regardless of physical form or characteristics. "Writing" means handwriting, typewriting, printing, photostating, photography, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds or symbols or any combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents. "Member of the public" means any person, except a member, agent, officer, or employee of federal, state, or local agency acting within the scope of his or her membership, agency, office, or employment.

When may public records be inspected?

Public records are open to inspection during Kern County Cemetery District office hours, 8:00 a.m. – 12:00 p.m. and 1:00 – 4:30 p.m., Monday through Friday, except for district holidays. The inspection of public records is subject to a rule of reason as to time and duration and must be consistent with the efficient functioning of Kern County Cemetery District offices. Kern County Cemetery District requests any person who wishes to inspect public records to telephone the appropriate Kern County Cemetery District location to schedule an appointment to inspect the records. It is the policy of Kern County Cemetery District that records not exempt from disclosure by state law will be open for public inspection with the least possible delay and expense to the requesting party.

How does the public obtain access to public records?

All requests for records are directed to the Kern County Cemetery District Office for review and advice.

Kern County Cemetery District Main Office

FAX: 661-746-0310

TEL: 661-746-3921

EMAIL: kccd@atg1.com

- It is important to include the following information in your request, so that we may answer your request in a timely manner:
- A statement that you are requesting information under the PRA.
- A clear and specific description of the information you are requesting. If possible, identify dates, subjects, titles, or authors of the documents requested.
- An explanation of what the information will be used for (i.e. scholarly purpose, commercial use, personal use). This will help us determine what fees, if any, to charge you for the information.
- If you are requesting a waiver of fees, please state why you believe you are entitled to the waiver.
- Your contact information, including name, address, phone, fax, and email. Within 10 days from the date the request is received, Kern County Cemetery District will determine whether the request, in whole or in part, seeks copies of disclosable public records in Kern County Cemetery District's possession and notify the requestor of such determination. In unusual circumstances, the 10-day time limit may be extended up to 14 days by written notice by Kern County Cemetery District to the requestor, setting forth the reason for the time extension. Unusual circumstances include:

(1) 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,

(2) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request,

(3) the need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in Kern County Cemetery District's determination of the request or among 2 or more components of Kern County Cemetery District having substantial subject matter interest therein,

(4) the need to compile data, write programming language or a computer program, or construct a computer report to extract data. Kern County Cemetery District may request additional information if the request is not specific enough to permit identification of the requested records. If Kern County Cemetery District determines it shall comply with the request, the records will be made available as promptly as is reasonably practicable. While Kern County Cemetery District shall disclose identifiable and existing records, Kern County Cemetery District is not required to synthesize, manufacture, or summarize records, i.e., develop new records in response to a request.

Records in Electronic Format

Upon request, Kern County Cemetery District shall make available any public record in electronic format in any electronic format in which Kern County Cemetery District holds the information or in the format requested if the requested format is one that has been used by Kern County Cemetery District to create copies for its own use or for provision to other agencies.

Will there be a fee?

A request for a copy of an identifiable public record or information produced therefrom must be accompanied by payment of fees to cover the direct costs of duplication, which will be based on a fee of \$.10 per standard reproduced page.

Fees for Records In Electronic Format

The requestor shall bear the direct costs of duplication of producing a copy of a record in electronic format and shall also bear the costs to construct a record and the programming and computer services necessary if:

- (1) Kern County Cemetery District is required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals or
- (2) Kern County Cemetery District is required to perform data compilation, extraction, or programming to produce the record.

What will Kern County Cemetery District's response to a records request include?

In responding to information requests, Kern County Cemetery District will advise the person submitting the request, by telephone or by mail as appropriate, of:

- a) the location, date, and time at which the requested records may be inspected;
- b) if copies of records are requested, the cost of providing such copies;
- c) which of the records requested are not subject to disclosure as public records pursuant

What records are not open for inspection?

In balancing the public's right to access public records with the recognized individual right of privacy and the need for Kern County Cemetery District to be able to competently perform its duties, the Legislature has established certain categories of records, which may be exempt from public disclosure. A complete list of statutory exemptions is found in the California Public Records Act. Records exempt for disclosure that pertain to Kern County Cemetery District include, but are not limited to the following:

- a) Burial records that include personal information that would constitute an unwarranted invasion of personal privacy;
- b) Preliminary drafts, notes, or inter-agency or intra-agency memoranda which are not retained by Kern County Cemetery District in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure;
- c) Records pertaining to pending litigation to which Kern County Cemetery District is a party, or to claims made until such litigation or claim has been finally adjudicated or otherwise settled;
- d) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;
- e) Records of complaints to or investigations conducted by Kern County Cemetery District for law enforcement purposes;

- f) Contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by Kern County Cemetery District relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained.

What if a member of the public wishes to challenge the Kern County Cemetery District's determination not to disclose records?

Under the California Public Records Act, Government Code Section 6258, any person may seek injunctive or declarative relief in any court of competent jurisdiction to enforce the right to inspect or to receive a copy of any public record.

Persons with disabilities who require accommodation for obtaining access to Kern County Cemetery District public records should notify Kern County Cemetery District of their accommodation needs in their written request.

KERN COUNTY CEMETERY DISTRICT NO. 1

PUBLIC RECORDS ACT REQUEST FORM

Must be mailed to PO BOX 354, Shafter, CA 93263 or Faxed to 661-746-0310

(Must be completed in its entirety to reduce delay in completion)

Request made by: _____

Date request was made: _____

Contact Information:

Address: _____

Telephone No: _____

Email address: _____

Documents Requested: _____

Request made to: _____

Is request made for copies or inspection: Copies _____ Inspection _____

(Must be completed by District staff)

REQUEST APPROVED? Yes _____ No _____

If 'No', list the names and positions of the persons responsible for the denial and reasons.

Names: _____

Reasons: _____

EXTENSION OF TIME REQUIRED Yes _____ No _____

If 'Yes', indicate reason

_____ The request requires searching, collecting and examining of a voluminous amount of separate records.

_____ The request requires consultation with another agency having a substantial interest in the matter

_____ The request requires consultation with counsel to determine legal requirements

_____ The request staff to compile data, to write programming language or a computer program to extract or compile data.

EXPECTED DATE OF RESPONSE _____ (may not exceed 10 calendar day, plus 14 days, if extension invoked from the date request was received by the District)