

## Frequently Requested Information and Records

### December 2014 Cumulative Supplement

*This table is intended as a general guide on the applicable law and is not intended to provide legal advice.*

*The facts and circumstances of each request should be carefully considered in light of the applicable law.*

*A local agency's legal counsel should always be consulted when legal issues arise.*

Information/Records Requested	Must the Information/Record Generally Be Disclosed?	Applicable Authority
Agenda materials distributed to a legislative body relating to an open session item	Yes	Gov. Code, § 54957.5. <i>For additional information, see p. 50 of "The People's Business: A Guide to the California Public Records Act," "the Guide."</i>
Audit Contracts	Yes	Gov. Code, § 6253.31
Auditor Records	Yes, with certain exceptions.	Gov. Code, § 36525(b)
Automated Traffic Enforcement System (red light camera) records	No	Veh. Code, § 21455.5(e)(1)
Autopsy Reports	No	Gov. Code, § 6254(f); <i>Dixon v. Superior Court</i> (2009) 170 Cal.App.4th 1271.
Calendars of Elected Officials	Perhaps not, but note that there is no published appellate court decision on this issue post- Prop. 59. <sup>1</sup>	See <i>Times Mirror Co. v. Superior Court</i> (1991) 53 Cal.3d 1325 and <i>Rogers v. Superior Court</i> (1993) 19 Cal.App.4th 469 for a discussion of the deliberative process privilege. <i>For additional information, see p. 35 of the Guide.</i>
Claims for damages	Yes	<i>Poway Unified School District v. Superior Court</i> (1998) 62 Cal.App.4th 1496.

Information/Records Requested	Must the Information/Record Generally Be Disclosed?	Applicable Authority
Coroner photos or videos	No	Civ. Proc. Code, § 129.
Dog license information	Unclear.	See conflict between Health & Safety Code, § 121690(h) which states that license information is confidential, and Food and Agr. Code, § 30803(b) stating license tag applications shall remain open for public inspection.
Election petitions (initiative, referendum and recall petitions)	No, except to proponents if petition found to be insufficient.	Gov. Code, § 6253.5; Elec. Code, §§ 17200, 17400, and 18650; Evid. Code, § 1050. <i>For additional information, see p. 21 of the Guide.</i>
Emails of government staff and/or officials on government accounts and/or devices	Yes, unless an exemption applies.	Emails containing information relating to the public's business prepared, owned, used or retained by a state or local agency are public records subject to disclosure. Gov. Code, §§ 6252(e), 6253.9(a). <i>For additional information, see p. 51 of the Guide.</i>
Emails of agency staff and/or officials on personal accounts and devices inaccessible to the agency	Unclear	A document not 'prepared, owned, used, or retained' by a public agency is not a public record, even though it may contain information relating to the public's business. <i>Regents of the University of California v. Superior Court</i> (2013) 222 Cal.App.4 <sup>th</sup> 383. However, a case holding that emails relating to public business on accounts and devices of individual public officials and employees are not public records has been depublished by grant of review by the Supreme Court. <i>City of San Jose v. Superior Court</i> (2014) 2225 Cal.App.4 <sup>th</sup> 7; <i>review granted, depublished</i> (2014) 173 Cal.Rptr. 3d 46. One court has held that it is an open issue whether public records may be obtained from private computers under the Act. <i>Bertoli v. City of Sebastopol</i> (2015) 182 Cal.Rptr.3d 308.
Employment Agreements/Contracts	Yes	Gov. Code, §§ 6254.8 and 53262(b). <i>For additional</i>

Information/Records Requested	Must the Information/Record Generally Be Disclosed?	Applicable Authority
		<i>information, see p. 30 of the Guide.</i>
Expense Reimbursement Report Forms	Yes	Gov. Code, § 53232.3(e)
Form 700 (Statement of Economic Interests) and Campaign Statements	Yes <sup>2</sup>	Gov. Code, § 81008
Geographic Information System (GIS) mapping software and data	No, as to proprietary software. Yes as to GIS base map information.	Gov. Code, § 6254.9; 88 Ops.Cal.Atty.Gen. 153 (2005); <i>see Sierra Club v. Superior Court</i> (2013) 57 Cal.4th 157 for data as a public record; <i>see also County of Santa Clara v. Superior Court</i> (2009) 170 Cal.App.4th 1301 for GIS basemap as public record; <i>Sierra Club v. Superior Court</i> (2011) 195 Cal.App.4th 1537; for additional information, see p. 51 of the Guide.
Grading documents including geology reports, compaction reports, and soils reports submitted in conjunction with an application for a building permit	Yes	89 Ops.Cal.Atty.Gen. 39 (2006); but see Gov. Code, § 6254(e). For additional information, see p. 19 of the Guide.
Juvenile Court Records	No	<i>T.N.G. v. Superior Court</i> (1971) 4 Cal.3d. 767; Welf. & Inst. Code, §§ 827 and 828. For additional information, see p. 24 of the Guide.
Legal billing statements	Generally, yes, as to amount billed. No, as to any billing detail which reflects an attorney's impressions, conclusions, opinions or legal research or strategy.	Gov. Code, § 6254(k); Evid. Code, § 950, et seq.; <i>Smith v. Laguna Sun Villas Community Assoc.</i> (2000) 79 Cal.App.4th 639; <i>United States v. Amlani</i> , 169 F.3d 1189 (9th Cir. 1999); <i>Clarke v. American Commerce National Bank</i> , 974 F.2d. 127 (9th Cir. 1992); but see Gov. Code, § 6254(b) as to the disclosure of billing amounts reflecting legal strategy in pending litigation. <i>County of Los Angeles v. Superior</i>

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		<i>Court</i> (2012) 211 Cal.App.4th 57 (Pending litigation exemption does not protect legal bills reflecting the hours worked, the identity of the person performing the work, and the amount charged from disclosure; only work product or privileged descriptions of work may be redacted). <i>For additional information, see pp. 19 and 28 of the Guide.</i>
Library Patron Use Records	No	Gov. Code, §§ 6254(j) and 6267. <i>For additional information, see p. 25 of the Guide.</i>
Medical Records	No	Gov. Code, § 6254(c). <i>For additional information, see p. 25 of the Guide.</i>
Mental Health detentions (5150 reports)	No	Welf. & Inst. Code, § 5328. <i>For additional information, see p. 24 of the Guide.</i>
Minutes of Closed Sessions	No	Gov. Code, § 54957.2(a). <i>For additional information, see pp. 19, 34, and 35 of the Guide.</i>
Notices/Orders to property owner re: housing/building code violations	Yes	Gov. Code, § 6254.7(c). <i>For additional information, see p. 20 of the Guide.</i>
Official Building Plans (architectural drawings and plans)	Inspection only. Copies provided under certain circumstances.	Health & Saf. Code, § 19851; see also 17 U.S.C. §§ 101 and 102. <i>For additional information, see p. 19 of the Guide.</i>
Personal Financial Records	No	Gov. Code, §§ 7470, 7471, 7473; see also Gov. Code, § 6254(n). <i>For additional information, see p. 25 of the Guide.</i>

Information/Records Requested	Must the Information/Record Generally Be Disclosed?	Applicable Authority
<p>Personnel</p> <ul style="list-style-type: none"> <li>Employee inspection of own personnel file</li> </ul>	Yes, with exceptions.	<ul style="list-style-type: none"> <li>For additional information, see pp. 29-31 of the Guide. Lab. Code, § 1198.5. This section applies to charter cities. See Gov. Code, § 31011. For peace officers, see Gov. Code, § 3306.5. For firefighters, see Gov. Code, § 3256.5.</li> </ul>
<ul style="list-style-type: none"> <li>Investigatory reports</li> </ul>	It depends.	<ul style="list-style-type: none"> <li><i>Marken v. Santa Monica-Malibu Unified Sch. Dist.</i> (2012) 202 Cal.App.4<sup>th</sup> 1250; <i>Sanchez v. County of San Bernardino</i> (2009) 176 Cal.App.4<sup>th</sup> 516; <i>BRV, Inc. v. Superior Court</i> (2006) 143 Cal.App.4<sup>th</sup> 742. For additional information, see pp. 29-30 of the Guide.</li> </ul>
<ul style="list-style-type: none"> <li>Name and pension amounts of public agency retirees</li> </ul>	Yes. However, personal or individual records, including medical information, remain exempt from disclosure.	<ul style="list-style-type: none"> <li><i>Sacramento County Employees Retirement System v. Superior Court</i> (2011) 195 Cal.App.4<sup>th</sup> 440; <i>San Diego County Employees Retirement Association v. Superior Court</i> (2011) 196 Cal.App.4<sup>th</sup> 1228; <i>Sonoma County Employees Retirement Assn. v. Superior Court</i> (2011) 198 Cal.App.4<sup>th</sup> 196.</li> </ul>
<ul style="list-style-type: none"> <li>Names and salaries (including performance bonuses and overtime) of public employees, including peace officers</li> </ul>	Yes, absent unique, individual circumstances. However, other personal information such as social security numbers, home telephone numbers and home addresses are generally exempt from disclosure per Gov. Code, § 6254(c).	<ul style="list-style-type: none"> <li><i>International Federation of Professional and Technical Engineers, Local 21, AFL-CIO, et al. v. Superior Court</i> (2007) 42 Cal.4<sup>th</sup> 319; <i>Commission on Peace Officers Standards and Training v. Superior Court</i> (2007) 42 Cal.4<sup>th</sup> 278.</li> </ul>
<ul style="list-style-type: none"> <li>Officer's personnel file, including internal affairs investigation reports</li> </ul>	No	<p>This information can only be disclosed through a Pitchess motion. Pen. Code, §§ 832.7 and 832.8; Evid. Code, §§ 1043-1045; <i>International Federation of Professional &amp; Technical Engineers, Local 21, AFL-CIO v. Superior Court</i> (2007) 42 Cal.4<sup>th</sup> 319; <i>People v. Superior Court</i> (2014) 228 Cal.App.4<sup>th</sup></p>

Information/Records Requested	Must the Information/Record Generally Be Disclosed?	Applicable Authority
<ul style="list-style-type: none"> <li>Test Questions, scoring keys, and other examination data.</li> </ul>	No	<p>1046; <i>City of Hemet v. Superior Court</i> (1995) 37 Cal.App.4<sup>th</sup> 1411.</p> <ul style="list-style-type: none"> <li>Gov. Code, § 6254(g)</li> </ul>
<ul style="list-style-type: none"> <li><b>Police/Law Enforcement</b></li> <li>Arrest Information</li> <li>Charging documents and court filings of the DA</li> <li>Child abuse reports</li> <li>Citizen complaint policy</li> <li>Citizen complaints</li> <li>Citizen complaints – annual summary report to the Attorney General</li> <li>Citizen complainant information – names addresses and telephone numbers</li> <li>Concealed weapon permits and applications</li> <li>Contact information – names, addresses and phone numbers of crime</li> </ul>	<p>Yes</p> <p>Yes</p> <p>No.</p> <p>Yes</p> <p>No.</p> <p>Yes</p> <p>No</p> <p>Yes, except for home/ business address and medical/psychological history.</p> <p>No</p>	<p><i>For additional information, see p. 22-25 of the Guide.</i></p> <ul style="list-style-type: none"> <li>Gov. Code, § 6254(f)(1); <i>County of Los Angeles v. Superior Court (Kusar)</i> (1993) 18 Cal.App.4<sup>th</sup> 588.</li> <li><i>Weaver v. Superior Court</i> (2014) 224 Cal.App.4<sup>th</sup> 746.</li> <li>Pen. Code, §11167.5</li> <li>Pen. Code, § 832.5(a)(1)</li> <li>Pen. Code, § 832.7</li> <li>Pen. Code 832.7(c), <i>For additional information, see p. 20 of the Guide.</i></li> <li><i>City of San Jose v. San Jose Mercury News</i> (1999) 74 Cal.App.4<sup>th</sup> 1008. <i>For additional information see p.30 of the Guide.</i></li> <li>Gov. Code, § 6254(u)(1); <i>CBS, Inc. v. Block</i> (1986) 42 Cal.3d 646.</li> <li>Gov. Code § 6254(f)(2). <i>For additional information, see p. 29 of the Guide.</i></li> </ul>

Information/Records Requested	Must the Information/Record Generally Be Disclosed?	Applicable Authority
<p>victims or witnesses</p> <ul style="list-style-type: none"> <li>• Criminal history</li> <li>• Criminal investigative reports including booking photos, audio recordings, dispatch tapes, 911 tapes and in-car video</li> <li>• Crime reports</li> <li>• Crime reports, including witness statements</li> <li>• Elder abuse reports</li> <li>• Gang intelligence information</li> <li>• In custody death reports to AG</li> <li>• Juvenile court records</li> <li>• List of concealed weapon permit holders</li> <li>• Mental health detention(5150) reports</li> <li>• Names of officers involved in critical incidents</li> </ul>	<p>No</p> <p>No</p> <p>Yes</p> <p>Yes, but only to crime victims and their representatives</p> <p>No.</p> <p>No</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>No</p> <p>Yes, absent unique, individual circumstances.</p>	<ul style="list-style-type: none"> <li>• Pen. Code, § 13300 et seq.; Pen. Code, § 11105 et seq.</li> <li>• Gov. Code, § 6254(f); <i>Haynie v. Superior Court</i> (2001) 26 Cal.4th 1061.</li> <li>• Gov. Code, §§ 6254(f), 6255.</li> <li>• Gov. Code, §§ 6254(f), 13951.</li> <li>• Welf. and Inst. Code, §15633</li> <li>• Gov. Code, § 6254(f); 79 Ops.Cal.Atty Gen. 206 (1996).</li> <li>• Gov. Code, § 12525</li> <li>• <i>T.N.G. v. Superior Court</i> (1971) 4 Cal.3d 767; Welf. &amp; Inst. Code, §§ 827 and 828. <i>For additional information, see p. 24 of the Guide.</i></li> <li>• Gov. Code, § 6254(u)(1); <i>CBS, Inc. v. Block</i> (1986) 42 Cal.3d 646.</li> <li>• Welf. &amp; Inst. Code, § 5328. <i>For additional information, see p. 24 of the Guide.</i></li> <li>• <i>Long Beach Police Officers Association v. City of Long Beach</i> (2014) 59 Cal.4<sup>th</sup> 59; <i>Commission on Peace Officer Standards and Training v. Superior Court</i> (2007) 42 Cal.4th 278; <i>New York Times v.</i></li> </ul>

Information/Records Requested	Must the Information/Record Generally Be Disclosed?	Applicable Authority
<ul style="list-style-type: none"> <li>Official service photographs of peace officers</li> <li>Peace officer's name, employing agency and employment dates</li> <li>Traffic accident reports</li> </ul>	<p>Yes, unless disclosure would pose an unreasonable risk of harm to the officer.</p> <p>Yes, absent unique, individual circumstances.</p> <p>Yes, in their entirety, but only to certain parties.</p>	<p><i>Superior Court</i> (1997) 52 Cal.App.4th 97; 91 Ops. Cal.Atty.Gen. 11 (2008).</p> <ul style="list-style-type: none"> <li><i>Ibarra v. Superior Court</i> (2013) 217 Cal.App.4th 695.</li> <li><i>Commission on Peace Officer Standards and Training v. Superior Court</i> (2007) 42 Cal.4th 278.</li> <li>Veh. Code, §§ 16005, 20012 [only disclose to those needing the information, such as insurance companies, and the individuals involved].</li> </ul>
<p>Public Contracts</p> <ul style="list-style-type: none"> <li>Bid Proposals, RFP proposals</li> <li>Certified payroll records</li> <li>Financial information submitted for bids</li> <li>Trade secrets</li> </ul>	<p>Yes, except competitive proposals may be withheld until negotiations are complete to avoid prejudicing the public.</p> <p>Yes, but records must be redacted to protect employee names, addresses, and social security number from disclosure.</p> <p>Yes, except some corporate financial information may be protected.</p> <p>No</p>	<ul style="list-style-type: none"> <li><i>Michaelis v. Superior Court</i> (2006) 38 Cal. 4th 1065; <i>but see</i> Gov. Code, § 6255 and Evid. Code, § 1060. <i>For additional information, see pp. 31-32 of the Guide.</i></li> <li>Labor Code § 1776.</li> <li>Gov. Code, §§ 6254(a),(h) and (k), 6254.15 and 6255; <i>Schnabel v. Superior Court of Orange County</i> (1993) 5 Cal.App.4th 704, 718. <i>For additional information, see p. 31-32 of the Guide.</i></li> <li>Evid. Code, § 1060; Civ. Code, § 3426, et seq. <i>For additional information, see p. 33 of the Guide.</i></li> </ul>



Information/Records Requested	Must the Information/Record Generally Be Disclosed?	Applicable Authority
Purchase price of real property	Yes, after the agency acquires the property.	Gov. Code, § 7275
<p>Real Estate</p> <ul style="list-style-type: none"> <li>• Property information (such as selling assessed value, square footage, number of rooms)</li> <li>• Appraisals and offers to purchase</li> </ul>	<p>Yes</p> <p>Yes, but only after conclusion of the property acquisition.</p>	<p><i>For additional information, see p. 32 of the Guide.</i></p> <ul style="list-style-type: none"> <li>• 88 Ops.Cal.Atty.Gen. 153 (2005).</li> <li>• Gov. Code, § 6254(h); Note that Gov. Code, § 7267.2 requires release of more information to the property owner while the acquisition is pending.</li> </ul>
Report of arrest not resulting in conviction	No, except as to peace officers or peace officer applicants.	Lab. Code, § 432.7
Settlement Agreements	Yes	<i>Register Division of Freedom Newspapers v. County of Orange</i> (1984) 158 Cal.App.3d 893. <i>For additional information, see p. 28 of the Guide.</i>
Social security numbers	No.	Gov. Code § 6254.29
Speaker Cards	Yes	Gov. Code, § 6255
Tax Return Information	No	Gov. Code, § 6254(k); IRS Code, § 6103.
Taxpayer information received in connection with collection of local taxes	No	Gov. Code, § 6254(i). <i>For additional information, see p. 33 of the Guide.</i>
Teacher test scores, identified by name, showing teachers' effect on	No	Gov. Code, § 6255; <i>Los Angeles Unified School Dist. v. Superior Court</i> (2014) 228 Cal.App.4 <sup>th</sup> 222.

Information/Records Requested	Must the Information/Record Generally Be Disclosed?	Applicable Authority
students' standardized test performance		
Telephone Records of Elected Officials	Yes, as to expense totals. No, as to phone numbers called.	See <i>Rogers v. Superior Court</i> (1993) 19 Cal.App.4th 469. For additional information, see p. 35 of the Guide.
Utility usage data	No, with certain exceptions.	Gov. Code, § 6254.16. For additional information, see p. 33 of the Guide.
Voter information	No	Gov. Code, § 6254.4. For additional information, see p. 21 of the Guide.

- 1 The analysis with respect to elected officials may not necessarily apply to executive officers such as City Managers or Chief Administrative Officers, and there is no case law directly addressing this issue.
- 2 It should be noted that these statements must be made available for inspection and copying not later than the second business day following the day on which the request was received.

*Revised March 20, 2015*