

CALAVERAS COUNTY RESOURCE CONSERVATION DISTRICT

PUBLIC RECORDS REQUEST PROCEDURE

September 20, 2018

The Calaveras County Resource Conservation District (CCRCD) shall supply data and records to requesting parties in accordance with the California Public Records Act (CPRA, California Government Code §6250 et seq).

All requests for records of CCRCD shall be made in writing, and shall include the following information:

- a) Name, address and phone number of requesting party
- b) Organization that requesting party is affiliated with, if any
- c) Information requested
- d) Preferred format (electronic, hard copy, etc. Preference will be taken into consideration if information is readily available in more than one format)
- e) Intended use of information

In the interest of protecting rights to privacy and proprietary information, several types of data and records are exempt from the requirement for disclosure in accordance with CGC §§6253, et. seq. and §§6254 et. seq. As the drafts, notes, photographs, documents and records received or created in the normal course of business by the CCRCD often contain private or proprietary information, the following general policies shall be applied to all requests for information:

- a. If any document requested contains any of the following information, that information shall be redacted prior to disclosure: personal information of clients or employees, including, but not limited to phone numbers, medical information, social security numbers, relationships, landowner questions recorded in a call log, or any other information a person may consider private; any data, document, or portion of a document labelled as "Competition Sensitive," "Confidential," "Proprietary," "Trade Secret," or any other similar wording.
- b. During site visits, landowners often share information that is sensitive, personal, private or trade secret. Therefore, no photographs, notes, maps or records of any kind, whether maintained on paper or electronically, that are created as a result of a site visit, shall be released without the prior written consent of the District Manager.
- c. Plans developed for landowners that become the property of the Landowner after completion often contain information the Landowner considers personal or sensitive. For this reason, no copy of any Landowner Plan that has become the property of the Landowner shall be disclosed

without the prior written consent of the Landowner and the District Manager.

- d. In accordance with §6254 (e), information obtained in confidence related to geological and geophysical data, plant production data, and market or crop reports are exempt from disclosure. To avoid accidental disclosure of information obtained in confidence, all information associated with plant production, farming, crops, and geological data shall be considered obtained in confidence unless it is information that is otherwise publicly available or the landowner or client specifically deems it not to be confidential.
- e. The District Manager has determined that the public interest in ensuring farmers, landowners, and related clients or consultants disclose all relevant information, some of which may be sensitive or confidential, to assist in farm plan, water management plan, or other project plan development outweighs any benefit that the public will obtain from receiving a draft version of a plan that may or may not be implemented. For this reason, any document labelled as "Draft" shall not be produced without the express written consent of the District Manager.
- f. Any other specifically exempted records as defined in CGC §6254 or any other statute shall not be disclosed.

If a document or record is not exempt from disclosure, CCRCD will provide the requested records within ten (10) days of receipt of request. If "unusual circumstances," as defined in California Government Code (CGC) section 6253(c), prevent CCRCD from providing requested records within ten (10) days, the deadline may be extended through written notice to the requestor by the CCRCD District Manager or his/her designee.

The requestor shall be responsible for paying costs of record duplication. Where the request would require data compilation or extraction, the requestor shall be responsible for the costs of staff time associated with this compilation or extraction, based on current CCRCD staff billing rates. An estimate of cost will be provided to requestor prior to request being fulfilled. The requestor may also bring a copier/scanner to the CCRCD to no infer cost.

Any records obtained by CCRCD as a contractor for the Natural Resources Conservation Service (NRCS) are not considered public information and will not be disclosed. Section 2004 of the Farm Security and Rural Investment Act of 2002 (Farm Bill) exempts such records from disclosure, and CGC section 6254(k) exempts from disclosure "records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege." Any requests for such records shall be forwarded the same working day they are received to the FOIA/PA officer in the California NRCS office.

If CCRCD finds that a document is exempt from disclosure, or, based on the facts of the particular

case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record, written notice of denial shall be provided to the requestor (CGC §6255). Notice of denial shall include the names and titles of each person responsible for the denial, as required by (CGC §6253(d)).

If CCRCD determines in a particular case that the release of specific information is likely to discourage future participation in important projects, the district may redact identifying information (such as names, addresses, and GPS coordinates) from the requested records (CBS v. Block, 42 Cal. 3d 646 (1986); CGC section 6522 (a)).

This procedure was adopted this 20th Day of September 2018 by the Board of Directors of the Calaveras County Resource Conservation District at a special meeting, becoming effective the 20th day of September, 2018.

APPROVED:



Bob Dean, President
Board of Directors

ATTESTED:

Gordon Long, Executive Director
CCRCD