

NORTH MARIN WATER DISTRICT

POLICY: POLICY STATEMENT ON PUBLIC RECORDS

POLICY NUMBER: 28

Original Date: 5/16/78

Last Revised: 01/16/07

Last Reviewed: 06/18/13

Except as set forth in this policy and except as expressly exempted in Section 6254 of the Government Code, all records of the District are regarded as public records and shall be made available for inspection upon reasonable notice and during normal working hours of the District as determined by the General Manager.

As it relates to a request by anyone for access to the consumption record, the name and address or any other information compiled by the District associated with a specific individual customer account, the following procedure shall be followed:

First, the person making the request shall be required to identify himself (herself) and state the purpose for the request in writing.

Second, the Board of Directors shall consider the purpose for the request and make the determination required pursuant to the following statutory test:

"The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that of the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record." (Section 6255, Government Code)

Prior to making the above determination, the Board may opt to notice and hold a public hearing.

Third, once a determination is made the record in question will be made available or withheld accordingly.

Exceptions to this procedure are:

1. Requests made by a customer of the District for his (her) own individual consumption data or any other data compiled in connection with said customer's account upon recitation by customer of his (her) account number or upon presentation of a California drivers license or some other form of suitable identification.
2. Requests made by any court, law enforcement agency or grand jury acting in a legal investigatory capacity.
3. Requests made by the Novato Sanitary District for customer data for the purpose of computing sewer use charges.

In the event a person requests a copy of District records that are not withheld pursuant to this policy, the District shall make its reproduction equipment available for this purpose unless it is determined by the General Manager to be impractical to do so. Furthermore, in the event information to be copied exceeds twenty-five 8 1/2" x 11" sheets, the requester may be required to advance the estimated actual cost of reproducing any record(s).

**RESPONSE TO REQUESTS FOR INFORMATION
PURSUANT TO THE PUBLIC RECORDS ACT**

Category 1: No Cost Reports & Handouts

Copies of reports and handouts that have been prepared for public use and distribution and which are currently in stock shall be made available upon inquiry at no cost. Examples are annual reports, regulations, rate comparison sheets, annual water quality reports, budgets, water conservation information papers, water quality tips, water sample advice, et cetera.

Category 2: Up to 25 Pages of Copy Work Free

Make available up to twenty-five pages (single side) of readily identifiable requested information at no expense provided the effort to retrieve same from the files is reasonable and not an undue burden.

Category 3: Charge for Maps and Requests for Information which Requires more than 25 Pages of Copying

Readily identifiable information previously identified in writing by the requestor which is not available in documents prepared (and in stock) for public distribution and which is in excess of twenty-five pages shall carry a reproduction charge and generally be made accessible in two ways:

Alternative 1 - District Retrieves and Photocopies.

Requestor advances the estimated cost for the District to reproduce the material. The estimated cost shall be calculated using the following unit costs:

- (a) letter and legal size - 25¢ per page (one-side);
- (b) maps that we have reproduction equipment on site to reproduce - \$5.00 each sheet; and
- (c) odd sized maps, color documents, and other odd size/type documents that we do not have on-site capability to reproduce - requestor to hire a professional reproduction service company to make an appointment to come in and reproduce.

Alternative 2 - Requestor Retrieves and District Photocopies. Requestor can make an appointment and bring his/her own easily removable tape flags or paper clips, peruse and temporarily mark the material they want copied and we will do the photocopy work and make same available for the requestor for pick up on a subsequent date. The charge for each reproducible page (single side) for this alternative is 25¢. The charge will be collected before District reproduces the tagged pages.

Category 4: Not Readily Identifiable Material

Sometimes (or in rare cases of intentional harassment) a request will be so broad or so vague as to make it very difficult or near impossible or involve undue burden in terms of staff time to identify, retrieve and reproduce. Such requests shall be deemed not readily identifiable and the requestor shall be asked to narrow the "universe" of the request by being much more explicit so we can identify what in fact he/she wants.

Exemptions

Exemptions to the above practice that is records that are exempt from disclosure are:

1. Legal advice letters and documents received from counsel.
2. Employee personnel files.
3. Information on customer accounts protected by the District's "Policy Statement on Public Records."

Revisions: 5/78, 01/07