

**San Gabriel Valley Council of Governments
Records Management Policy and Procedures**

California Public Records Act:

In enacting Chapter 6250 et seq of the Government Code, “the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this State.”

1. BACKGROUND

The San Gabriel Valley Council of Governments (SGVCOG) Records Management Policy and Procedures are designed to assist staff in the management of the SGVCOG’s records and to ensure the preservation of records that document the history of the Agency. Additionally, the SGVCOG is obligated to ensure compliance with other local, state, and federal mandates that provide direction regarding record retention.

In 1968, the California State Legislature passed the California Public Records Act (PRA, Govt. Code Section 6250 et seq), which was modeled after the federal Freedom of Information Act (FOIA). These laws details what government information is, and is not, available to the public. In general, all records are open to the public except 28 specific exemption categories listed in PRA, Section 6254. The PRA applies to all records, in whatever form, maintained by either state or local public agencies.

In California, the elected Secretary of State is charged with establishing a Local Government Records Program (Govt. Section 12236). The program was established in 1999, with the assistance of the City Clerk’s Association of California, and is overseen by the State Archives to establish guidelines for local government retention and to provide archival support to local agencies in California.

Regionally, the SGVCOG Governing Board adopts policies regarding the production, maintenance, preservation, and disposition of records which, on a day-to-day basis, are implemented by the Executive Director. This is mainly accomplished by the creation, implementation, and adherence to the SGVCOG’s Records Retention Schedule. The SGVCOG’s Retention Schedule is maintained and updated as necessary by the Executive Director.

2. PURPOSE

To establish policies and procedures that control the orderly creation, utilization, maintenance, retention, preservation and disposition of SGVCOG records, based on State and federal statutes governing public records.

To ensure that a responsible program of records management is practiced and documented from creation to disposition in accordance with the law and in the best interest of the SGVCOG and the general public.

3. AUTHORITY

Numerous State and Federal laws, related to minimum record retention requirements and statutes of limitations (including those summarized herein), apply to different types of records. Each record listed in the Records Retention Schedule has applicable laws cited in the “Legal Citation” column. The legal authorities and professional guidelines applicable to the management of the SGVCOG records include the following:

- **Government Code Section 34090** – The principal provisions of California law applicable to Agency records retention requirements are Government Code Sections 34090, et seq., which generally require original public records to be retained a minimum of two years and sets forth other requirements for the retention and destruction of public records. This Policy establishes the procedures, consistent with these state law provisions, for the destruction of original public records which have been retained for at least the minimum retention period and are no longer required by the Agency (section 34090), as well as the destruction of records which have been replaced by “Trusted Copies” (section 34090.5), and the destruction of “Duplicate Copies” (section 34090.7). These state law provisions do not authorize the destruction of the following: records affecting title to real property or liens thereon; court records; records required to be kept by statute; records less than two years old; or the minutes, ordinances, or resolutions of the legislative body or of an agency board, agency or commission.
- **Government Code Section 6200** – Any Agency employee who is found guilty of willfully destroying (including altering, falsifying, mutilating, defacing, or stealing, in whole or in part) a public record without complying with the requirements of this Policy may be punishable by imprisonment for up to four years.
- **Government Code Section 6250** – The California Public Records Act (Government Code sections 6250, et seq.) provides definitions for “writings” and “public records” for the purpose of determining which public documents are required to be disclosed to the public upon request and which public documents are confidential or otherwise exempt from disclosure. These definitions are also used in defining the types of public documents that may be destroyed in accordance with this Policy.
- **Professional Standards and Retention Guidelines** – Selected professional associations and other governmental agencies, such as the California Secretary of State, the Department of Justice, and the City Clerk’s Association, have published standards, model retention guidelines, and/or articles recommending retention periods for different types of records. Although these standards and guidelines are not binding, these standards and guidelines have been taken into consideration in establishing the SGVCOG’s Records Management Policy and Records Retention Schedule.

4. OBJECTIVES

The Records Management Policy and Procedures is designed to accomplish the following objectives:

- Efficient information retrieval through a uniform classification filing system (Re: Master Index of Subject Codes Database).

- Transfer of inactive records from high-cost office space to low-cost storage or an electronic format, thus reducing filing equipment and increasing valuable office space.
- Orderly destruction of records no longer required by statute to be retained, and which are no longer needed for administrative, operational, legal, fiscal, or historical purposes, in accordance with the Records Retention Schedule.
- Preservation of records with long-term or permanent value.
- Protection of records vital to the Agency in the event of a disaster.
- Elimination of duplicate records.
- Establishment of a process for responding to records requests in a timely manner and in accordance with law that includes requests for public records by citizens and subpoenas for public records.

5. DEFINITIONS

- 5.1 Administrative Records – Records commonly found in all offices and typically retained for short time periods of less than five years. Examples include subject, chronological, budget, and policy files.
- 5.2 Agency – State Agency means every state office, officer, department, division bureau, board and commission or other state body or agency except courts and the Legislature. Local Agency includes a county; city; school district; or any board, commission or agency thereof; other local public agency; or entities that are legislative bodies of a local agency pursuant to subdivision (c) and (d) of Govt. Code Section 54952.
- 5.3 Duplicate Records – Records that are copies or reproductions of original records, whether or not the same physical form as the original, which are retained for personal reference or for operational requirements.
- 5.4 Electronic Media Imaging System – In accordance with Govt. Code Section 34090.5, any process or system where SGVCOG records are photographed, micro-photographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data-processing system, recorded on optical disk, reproduced on film, optical disk, or any other medium that is a “trusted system” and that does not permit additions, deletions, or changes to the original document.
- 5.5 Historical Record – Writings that have historical value. Historical records may have been created in the last year or during the SGVCOG’s formation. They hold practical value on past policies and decisions and provide an important source of administrative continuity. There is no substitute for historical records. They are an important resource for future researchers.
- 5.6 Inactive Records – Records more than two years old, which are accessed infrequently, but may continue to have administrative, operational, legal, fiscal, or historical value in carrying out SGVCOG business. Inactive Records may be stored off-site, and shall be destroyed in accordance with the Records Retention Schedule.

- 5.7 Non-Records – Materials not usually included within the definition of records, such as unofficial copies of documents kept only for convenience or reference, working papers, appointment logs, publications and processed documents material intended solely for reference or exhibition. Also, documents such as rough notes, calculations or drafts assembled or created and used in the preparation or analysis of other documents.
- 5.8 Permanent Records – Records that are required in perpetuity, usually identified by statute or other written guidance. Examples include original deeds, minutes, ordinances, and resolutions.
- 5.9 Person – Person Includes any natural person, corporation, partnership, limited liability company, firm, or association.
- 5.10 Public Records – In accordance with Govt. Code Section 6252(e), any information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.
- 5.11 Records Center – A storage area for those Agency records which may be, in accordance with the law, maintained off site.
- 5.12 Records Exempt From Public Disclosure – Pursuant to Govt. Code Section 6254 and 6255, may include, but are not limited to the following:
- Preliminary Drafts - This category of exemptions includes preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure. (Govt. Code Section 6254(a))
 - Pending Litigation or Claims - Records pertaining to pending litigation or claims, to which the SGVCOG is a party, become exempt until the pending litigation or claim has been finally adjudicated or otherwise settled. (Govt. Code Section 6254(b))
 - Personnel Records - Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. (Govt. Code Section 6254(c))
 - Police records and investigative reports - This category of exemption includes a wide variety of records including portions of investigation reports and confidential informants. (Govt. Code Section 6254(f))
 - Feasibility studies for property acquisition or public contracts - Unless required to disclose by eminent domain law, feasibility studies “relative to the acquisition of property, or to prospective public supply and construction contracts” are exempt “until all of the property has been acquired or all of the contract agreement obtained.” (Govt. Code Section 6254(h))
 - Attorney/Client privilege and attorney work product - As a general rule, it should be presumed that all communications from the General Counsel’s office to a SGVCOG employee are subject to the attorney/client privilege and the communications should be protected accordingly. (Govt. Code Section 6254(k))
 - Public interest balancing test – Information where on the facts of the particular case the public interest in non-disclosure clearly outweighs the public interest in disclosure. This may include Information obtained by the Agency in confidence. Generally, proprietary

information may be exempt from disclosure if: (a) the third party providing the information submits the information with the expressed intention to maintain the confidence, (b) the information has not previously been disclosed to others, and (c) the third party has a reasonable expectation that the information will be maintained in confidence based upon the manner by which the SGVCOG obtained the information. (Govt. Code Section 6255 (a))

- 5.13 Records Management Program – A system for the creation, utilization, maintenance, retention, preservation and disposition of Agency records.
- 5.14 Records Management Staff – The Executive Director and/or his/her designee(s).
- 5.15 Records Retention Schedule – A schedule identifying the records maintained by each program by title or classification, and specifying, in accordance with statutory and administrative requirements, the period of time records must be retained before they may be destroyed.
- 5.16 Redaction – Redaction refers to a process by which portions of a document are kept from disclosure. Documents may contain information that are protected by law from being revealed, e.g., privacy identifiers, trade secrets, or other privileged information.
- 5.17 Subpoena Duces Tecum – Also called a Subpoena for Production of Business Records; if documents are sought before trial requires the person or entity that is served to gather and produce certain records or documents identified in the subpoena. A subpoena may call for both personal attendance at trial/deposition and the production of records. Failure to obey a subpoena is a contempt of court and can result in sanctions imposed by the court, including a fine.
- 5.18 Trusted Copy – A copy of an originally created record if the copy is created on a “trusted system” in accordance with the requirements of Govt. Code Section 34090.5, and section 6.3 of this Policy.
- 5.19 Trusted System – Pursuant to Govt. Code Section 12168.7, a combination of techniques, policies, and procedures for which there is no plausible scenario in which a document retrieved from or reproduced by the system could differ substantially from the document that is originally stored.
- 5.20 Vital Records – Records containing information essential for the SGVCOG to resume operation after a disaster; records containing information regarding claims to present or future income; records necessary to protect the SGVCOG against fraud or overpayment; and records furnishing data on current assets, equipment, securities, and real estate. Vital Records may include, but are not limited to, current financial statements, ledgers, property deeds, leases, contracts, permits, licenses, original plans and specifications for facilities, ordinances, resolutions, and minutes of the Governing Board and Committee meetings.

5.21 Writing – Pursuant to Govt. Code Section 6252 (g), handwriting, typewriting, printing, 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 combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

6. POLICY

Policies and procedures, under the supervision and administration of the Executive Director, or his/her designee, are hereby established for the coordination, administration and implementation of the Records Management Program, under which SGVCOG records are retained for administrative, operational, legal, fiscal, historical or research purposes.

6.1 Principles – When records no longer fulfill the value for which they were created, they should be destroyed unless they also have some historic or research significance. If that is the case the records should be preserved appropriately. Records retained beyond their value “just in case” may extend the SGVCOG’s legal liability in the event of adverse litigation or investigation.

6.2 Responsibilities – Each department and/or work unit shall maintain all records using sound records management practices that are suited to the particular needs, and in accordance with the requirements of this Policy and the Retention Schedule. Maintenance of records shall include the creation, utilization, maintenance, security, retention, storage, preservation, and destruction of records.

- Governing Board – The Governing Board reviews and approves this Policy, the Records Retention Schedule, and any amendment to either the Policy or the Records Retention Schedule.
- Executive Director – The Executive Director (or designee) shall be responsible for administering this Policy and developing, coordinating and administering policies and procedures for the implementation of the Records Management Program. To perform this function, the Executive Director shall on an ongoing and periodic basis: 1) Create, maintain and distribute the necessary forms to implement the Records Management Program; 2) Develop and maintain a retention and disposition schedule for all records, including the preparation of any amendments as dictated by statute or administrative policy; 3) Submit proposals for any schedule amendments for Governing Board approval by resolution; 4) Maintain a current inventory of records; 5) Establish guidelines and coordinate periodic reviews of records to determine which records are eligible, subject to the approval of General Counsel, for destruction in accordance with the Records Retention Schedule; 6) Coordinate with all work units, on a routine basis, the timely destruction of obsolete records according to the procedures herein; 7) Certify and document that records have been destroyed and ensure Certificates of Destruction are permanently kept on file; 8) Oversee the special handling of confidential, historical, and essential records, and ensure the safety of Vital Records in the event of a disaster; 9) Maintain accurate and timely databases and a uniform filing system of all legislative actions affecting the creation, utilization, maintenance, retention, preservation and

disposition of records, in order to efficiently track and retrieve records; 10) Respond to public records requests and subpoenas for public records in an efficient and timely manner and in accordance with law.

- General Counsel: The General Counsel shall be responsible for the following: 1) Providing legal review of changes in the law relating to this Policy and the Records Retention Schedule, and submitting proposed changes to the Executive Director; 2) Providing legal review to any proposed amendments to this Policy or the Records Retention Schedule, as requested by the Executive Director (or designee); 3) Notifying relevant departments and/or work units when the SGVCOG will be compelled to suspend the destruction of records due to pending or potential litigation, discovery requests, or for any other reason; and 4) Reviewing all requests for records destruction and promptly exercising discretion to consent (or deny consent) to requests for destruction in accordance with this Policy.
- SGVCOG employees –Employees shall maintain all records using sound records management practices that are suited to the particular needs of the department and/or work unit, and in accordance with the requirements of this Policy and the Retention Schedule. Maintenance of records shall include the creation, utilization, maintenance, security, retention, storage, preservation, and destruction of records.

6.3 Trusted System – Government Code section 34090.5 authorizes the SGVCOG to replace original records with “trusted copies” that are created on a “trusted system,” after which the original record may be destroyed, and the trusted copy is retained in the same manner as the original record (in accordance with the retention requirements of the Retention Schedule). Exceptions include original minutes, ordinances, resolutions, deeds, and other records identified on the retention schedule as permanent, which may never be destroyed, but are stored in a secured location (See Section 7.2.2).

6.4 Trusted Copies – In imaging or transferring documents into an electronic format, the SGVCOG will only utilize “a trusted system” that does not permit additions, deletions, or changes to the original document pursuant to the regulations specified in Govt. Code Section 12168.7; and is able to reproduce the original record accurately and legibly in all details pursuant to Govt. Code Section 34090.5(b). Pursuant to Govt. Code Section 34090.5(d) “A true copy of archival quality of the film, optical disk, or any other medium reproductions shall be kept in a safe and separate place for security purposes. However, no page of any record, paper, or document shall be destroyed if any page cannot be reproduced on film with full legibility. Every irreproducible page may be permanently preserved in a manner that will afford easy reference. For the purposes of this section, every reproduction shall be deemed to be an original record and a transcript, exemplification, or certified copy of any reproduction shall be deemed to be a transcript, exemplification, or certified copy, as the case may be, of the original.”

6.5 Storage Technologies – The SGVCOG’s network systems along with the infrastructure equipment and all imaged records shall be backed up each business day utilizing a system that is considered to be trustworthy and reliable and complies with relevant government codes and regulations that require storage of electronic information in a manner wherein it is not plausible that any stored information can be modified, altered, or deleted during the information lifecycle.

The backed up copy will be stored at an off-site location to be used for recovery if necessary. The address of the off-site location is maintained on file.

7. MAINTENANCE AND DISPOSITION OF RECORDS - PROCEDURES

The Executive Director, or his/her designee, will distribute the “Records Management Policy and Procedures” to all staff members who are responsible for ensuring that the records under his/her control are maintained and destroyed in accordance with the Policy and Procedures. The policy shall be revised as necessary to meet legal and administrative requirements.

7.1 Maintenance and Required Forms

The following forms are to be utilized by all employees in order to efficiently and accurately identify, inventory, transfer to storage, retrieve, and destroy records under his/her control:

- Authority to Destroy Obsolete Records Form – This form is prepared by the department and/or work unit wishing to destroy records. The Executive Director or his/her designee reviews the form and forwards it to General Counsel for approval. Once approved by General Counsel, the records are destroyed. The form is then signed by the department and/or work unit verifying destruction and returned to the Executive Director or designee for permanent retention.
- Request for Public Records Form – The person or agency requesting copies of a public record pursuant to the Public Records Act is requested to complete this form. The form is designed to assist staff in providing copies of identifiable records, which are subject to disclosure, in a timely manner as required by law. (See Section 8 herein below).

7.2 Disposition of Records

As provided by Govt. Code Section 34090, upon the request of the department and/or work unit and with the written consent of General Counsel and the Executive Director, the records identified in the Records Retention Schedule are authorized to be destroyed on an on-going basis in accordance with the retention periods described therein without the necessity of a specific resolution of the Governing Board.

7.2.1 Destruction

The Executive Director, or his/her designee, shall be responsible for scheduling and coordinating with all departments and work units the destruction of records on an annual basis. The appropriate forms will be made available in order to document the records to be destroyed.

It shall be required that the Executive Director and General Counsel authorize and sign each Authority to Destroy Obsolete Records form prior to the records being destroyed. It is imperative that the requests for Authority to Destroy Obsolete Records be reviewed carefully by all signatory staff in order to determine whether records listed are involved in litigation, or if there is an administrative and/or operational requirement which may require a temporary extension of the retention period.

Records deemed to be confidential in nature shall be shredded. All other records shall be disposed of by recycling. Destruction shall take place on site or off site, depending on the type and volume of records being destroyed, and as staffing permits.

The staff member in control of the records and Executive Director or his/her designee shall certify all records destruction. The Executive Director or his/her designee shall maintain a permanent record of all destroyed records and destruction certifications.

7.2.2 Exceptions

Notwithstanding the provisions of Section 7.2, in accordance with Government Code Section 34090, the SGVCOG is not authorized to destroy the following SGVCOG records:

- Records affecting the title of real property or liens thereon.
- Court records.
- Records required to be kept by statute.
- Records less than two years old.
- The minutes, resolutions, or ordinances of the Governing Board or the Board's committees.

7.2.3 Destruction of Original Records after Imaging

Once an original record has been scanned and stored through the SGVCOG's Trusted System as an Electronic Record and the procedures required to verify that a "Trusted Copy" has been created are met (see Section 6.4), the original record may be destroyed except those records mentioned in Section 7.2.2.

7.2.4 Destruction of Electronic Mail (E-Mail)

The SGVCOG's e-mail system is not designed for long-term storage, thus e-mails older than 2 years are automatically destroyed. Therefore any electronic documents which meet the definition of a SGVCOG record shall be saved in some fashion for a minimum of two years or other required period designated by the Records Retention Schedule or applicable law outside the email system.

If an electronic document does not meet the definition of a "SGVCOG record" that is specifically identified in the retention schedule and serves no useful purpose to the SGVCOG, then pursuant to Cal. Gov. Code Sec. 34090 it does not have to be saved for two-years and should be deleted from the system immediately.

7.3 Vital Records Protection

Vital Records contain information necessary to resume operations after a disaster. Each employee is responsible for identifying the Vital Records under his/her control and ensuring that the Vital Records are maintained according to the following procedures:

- All Vital Records shall be stored in a secure, safe and controlled environment, to protect the records from theft or damage.
- Vital Records, which are in use but are required to be kept in a secured area, should be returned to the secured area at the end of each workday. Vital Records should not be allowed to accumulate on desks or in unprotected areas.

- Information shall be backed up regularly and stored at an off-site location to be used for recovery if necessary. The address of the off-site location will be maintained on file.

8. PUBLIC RECORDS REQUESTS

The SGVCOG understands and supports the public's need and more importantly their right to access the majority of the records created and maintained by the Agency. The SGVCOG shall accept, review, and respond to all public record requests received, regardless of how they were submitted, by whom they are received from, or the reason the request was submitted in accordance with the California Public Records Act (Govt. Code Section 6250, et seq.).

Each employee is responsible for ensuring that a request to inspect or obtain copies of public records is processed according to the following procedures pursuant to the Public Records Act (Govt. Code Section 6250, et seq.).

8.1 Records Exempt from Disclosure

While the intent of the California Public Records Act is to protect the public's access to records, it also outlines what information is not covered by the Act and what information the SGVCOG is prohibited from releasing. The Act exempts certain records from disclosure in whole or in part. These records are outlined in Govt. Code Section 6254. (See Section 5.12 – Records Exempt from Public Disclosure).

8.2 Processing Subpoenas and Summons

The Executive Director or his/her designee will accept subpoenas and summons in which the SGVCOG is being sued or is a party to the action, and Subpoena Duces Tecum or Deposition Subpoena for Production of Business Records in which the "Custodian of Records" is required to gather, copy, and produce documents. The Executive Director and/or his/her designee and General Counsel will review all documents and ensure that no documents protected by the attorney-client privilege or other privilege are produced. In case of any doubt regarding whether a document is privileged or should otherwise be withheld from production, the Executive Director or designee should promptly contact General Counsel to take the appropriate action. When there is any question regarding whether a record is subject to disclosure, no records or copies thereof should be released until a review by the General Counsel has been completed.

8.3 Public Records Request Form Use

The Public Records Request Form ensures that all the information to be produced is properly identified, and serves as a record of the timeline and staff assisting with the request. It is recommended that this request form be utilized for the transaction.

Although the SGVCOG may encourage the requestor to complete the Request for Public Records Form, it may not require filing of the form in order to respond to a request for public records. If the requestor elects not to complete the form, the staff member should complete the form to provide a written record of the request, and to assist in meeting the required timelines in which to respond to the request.

Regardless of whether or not the requestor uses the SGVCOG's form, the SGVCOG will comply with Govt. Code Section 6253.1 that provides:

- (a) "When a member of the public requests to inspect a public record or obtain a copy of a public record, the SGVCOG, in order to assist the member of the public to make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:
 - 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.
 - Describe the information technology and physical location in which the records exist.
 - Provide suggestions for overcoming any practical basis for denying access to the records or information sought.
- (b) The requirements of paragraph (1) of subdivision (a) shall be deemed to have been satisfied if the SGVCOG is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records."
- (c) The requirements of subdivision (a) are in addition to any action required of the SGVCOG by Govt. Code Section 6253, as outlined in section 8.4 below.
- (d) This section shall not apply to a request for public records if any of the following applies:
 - The SGVCOG makes available the requested records pursuant to Govt. Code Section 6253.
 - The SGVCOG determines that the request should be denied and bases that determination solely on an exemption listed in Govt. Code Section 6254.
 - The public agency makes available an index of its records.

If the requested record(s) does not exist, the Public Records Act does not require the creation of such a record and as such, the SGVCOG will not create the record.

8.4 Responding to a Request for Public Records

8.4.1 General 10 Day Rule

The SGVCOG is obligated to respond to all requests within 10 calendar days of receipt of a request for public records, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the SGVCOG and shall promptly notify the person making the request of the SGVCOG's determination and the reasons for its decision. (Govt. Code Section 6253(c)).

Grounds for refusing a request include, but are not limited to, the following:

- The request does not seek records which are reasonably segregated from records which are exempt from disclosure;
- The request does not reasonably describe an identifiable record;
- The request would require that the SGVCOG compile data, perform research, or create new records not currently in existence; or
- The request seeks records that are exempt from disclosure.

(Note: The Public Records Act requires the disclosure of reasonably segregated portions of records. If portions of a record are exempt and other parts of the same record are not, the non-exempt portions of the document must be disclosed. Govt. Code Section 6253(a))

8.4.2 Extension of time for unusual circumstances

In unusual circumstances, the ten (10) day time limit imposed by the Public Records Act may be extended. If such an extension is needed to respond to a request, a written notice must be provided to the person making the request, setting forth the reason for the delay and the estimated date and time on which a determination is expected to be given. No extension of additional time shall exceed fourteen (14) days. (Govt. Code Section 6253 (c))

“Unusual circumstances” means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

- The need to search for and collect the requested records from field facilities or other locations separate from the office processing the request;
- The need to search for, collect, and examine a voluminous amount of separate and distinct records demanded in a single request; or
- 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 interest in the subject matter of the request.
- The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

8.4.3 Notification of determination

When determination has been made as to whether to grant or deny a public records request, the person making the request should be promptly notified in writing of the SGVCOG’s determination, including the following information:

- Whether the request is being granted or denied;
- If the request is being denied, in whole or in part, the extent and the reasons for the denial;
- The name and title or position of the person responsible for the denial;
- The cost or an estimate of the cost of copying the records and a request for pre-payment (Note: this is only the direct cost of duplication, or a statutory fee, if applicable, and does not include staff time to research, retrieve, or compile the records); and
- The option to inspect the requested records at a mutually convenient time during office hours.

8.4.4 Electronic Records

Unless otherwise prohibited by law, if the SGVCOG has information that constitutes an identifiable public record not exempt from disclosure that is in an electronic format, it shall make that information available in an electronic format when requested by any person and, when applicable, shall comply with the following (Govt. Code Section 6253.9):

- The SGVCOG shall make the information available in any electronic format in which it holds the information.
- The SGVCOG shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the SGVCOG to create copies for its own use or for provision to other agencies. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.
- The requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:
 - a. In order to comply with the provisions of 8.4.4 the SGVCOG 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.
 - b. The request would require data compilation, extraction, or programming to produce the record.
- Nothing in this section shall be construed to require the SGVCOG to reconstruct a record in an electronic format if the SGVCOG no longer has the record available in an electronic format.
- If the request is for information in other than electronic format, and the information also is in electronic format, the SGVCOG may inform the requester that the information is available in electronic format.
- Nothing in this section shall be construed to permit the SGVCOG to make information available only in an electronic format.
- Nothing in this section shall be construed to require the SGVCOG to release an electronic record in the electronic form in which it is held by the SGVCOG if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.
- Nothing in this section shall be construed to permit public access to records held by the SGVCOG to which access is otherwise restricted by statute.

8.4.5 Electronic Mail (E-Mail)

See SGVCOG's current Internet Use Policy and the SGVCOG's current Electronic Mail Policy.

8.4.6 Campaign forms and Statements of Economic Interest Exception to 10-Day Rule

Govt. Code Section 81008 requires that all campaign forms and Statements of Economic Interest (Form 700) be made available for public inspection during regular business hours, commencing as soon as practicable, but in any event no later than the second business day following the day on which the request is received.

8.4.7 Fees

Access to review or examine public records is free. Requestors may review the requested items during regular business hours, at a time and place that will not disrupt day-to-day operations in the presence of a SGVCOG employee, at no charge. Records may be duplicated. Duplication fees are listed on the SGVCOG's Fee Schedule and should be paid prior to providing copies of records. Duplication of official building and/or construction plans and drawings will not be produced by the SGVCOG until the SGVCOG receives written permission to do so from the licensed professional who prepared the plan(s) and the building and/or property owner.