



Administrative Procedure
Chapter 3 – General Institution

AP 3300 Public Records

References:

Government Code Sections 7920.000 et seq.;
Penal Code Sections 832.7 and 832.8
Education Code Section 76243;
California Constitution Article 1, Section 3 (b)

Members of the public may request to inspect or copy public records. A request by a member of the public may be delivered by mail, email, or in person to the Office of Public Affairs. Further information on how to request or receive a copy of public records can be found on the webpage of the Office of Public Affairs.

Any request shall identify with reasonable specificity the records that are sought. If additional information is needed, the Director of Marketing, Communications, and Public Affairs may request it be provided in writing. Any request to inspect records shall be made sufficiently in advance of the date of inspection to allow staff members time to assemble the records and identify any records that may be exempt from disclosure.

Records that are exempt from disclosure under the Public Records Act or any other provision of law may not be inspected or copied by members of the public. Social security numbers must be redacted from records before they are disclosed to the public.

Members of the public shall be assisted in identifying records or information that may respond to their request. Assistance that shall be provided includes: the information technology and physical location in which the records exist; practical suggestions for overcoming denial of access to the records or information; and the estimated date and time when the records shall be made available.

Within ten days, the Office of Public Affairs shall determine whether the records can be produced and shall communicate the determination to the member of the public requesting the record(s). Denials shall be in writing and shall indicate either the express exemption applied and/or a statement that, based on the facts of the particular case, the public interest in nondisclosure outweighs the public interest in disclosure of the record(s) requested.

Records that are exempt from disclosure under the Public Records Act or any other provision of law may not be inspected or copied by members of the public. Records exempted from disclosure include, but are not limited to, the following:

The most common exemptions for community colleges include:

- Student records (Education Code Section 76243)
- Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding the records clearly outweighs the public interest in disclosure. (Government Code Section 7927.500)
- Records pertaining to pending litigation to which the District is a party or to the claims until the pending litigation or claim has been finally adjudicated or otherwise settled. (Government Code Section 7927.200)
- Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. (Government Code Section 7927.700)
- Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination (except for standardized tests provided for by Education Code Sections 99150 et seq.) (Government Code Section 7929.605)
- The contents of real estate appraisals or engineering or feasibility estimates and evaluations 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. (Government Code Section 7928.705)
- Internet posting of home address or telephone numbers of local elected officials. (Government Code Section 7928.205)
- Home addresses, home telephone numbers, cellular phone number, and date of birth of employees of a school district or county office of education (other than to an agent or family member of the employee, to an officer of another school district when necessary, to an employee organization, or to an agency or employee of a health benefit plan). (Government Code Section 7928.300)
- Personal email addresses (other than to an agent or family member of the employee, to an officer of another school district when necessary, to an employee organization, or to an agency or employee of a health benefit plan) unless the email address is used by the employee to conduct public business, or necessary to identify a person in an otherwise disclosable communication. (Government Code Section 7928.300)

- Records regarding alternative investments (i.e., an investment in a private equity fund, venture fund, hedge fund, or absolute return fund; limited partnership, limited liability company, or similar legal structure) involving public investment funds, unless already publicly released by the keeper of the information
- Information security records, if disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, the District's information technology system.
- Identification number, alphanumeric character, or other unique identifying code that a district uses to identify a vendor or contractor, or an affiliate of a vendor or contractor, unless the identification number, alphanumeric character, or other unique identifying code is used in a public bidding or an audit involving the public agency. (Government Code Section 7928.715)

The District will comply with the provisions of Penal Code Sections 832.7 and 832.8 regarding the disclosure of specified peace officer and custodial officer personnel records when responding to Public Records Act requests.

Direct costs of duplication, including electronic construction and programming costs where applicable, may be charged to the requesting party.

Additional information can be found on the Public Affairs Office webpage.

Also see BP 3300 Public Records; BP/AP 5040 Student Records, Directory Information, and Privacy; AP 5045 Student Records – Challenging Content and Access Log; and AP 7145 Personnel Files.

Office of Primary Responsibility: Superintendent/President

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