

# San Francisco Bay Conservation and Development Commission

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**TO:** Commissioners and Alternates

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**SUBJECT: Commission Guidelines for Access to Public Records**  
(For Commission consideration on November 3, 2016)

## Summary and Staff Recommendation

A provision of the California Public Records Act, Government Code Section 6253.4(a), requires certain state agencies, including the Commission, to establish written guidelines for accessibility of public records. The Commission adopted its current Guidelines for Access to Public Records in May 2006. The Commission's current Guidelines are relatively brief, consisting of six paragraphs, four of which contain only a single sentence.

In the course of making recent improvements to the Commission's website, BCDC staff reviewed the websites of a number of other state agencies. Through that review, BCDC staff found that other agencies have adopted guidelines for access to public records that are considerably more detailed than the Commission's current Guidelines. In addition, some state agencies have developed and posted on their websites a series of frequently asked questions (FAQs) and responses regarding access to public records.

To update the Commission's Guidelines, BCDC's Chief Counsel reviewed the guidelines for access to public records adopted by the California Department of Justice, the California Coastal Commission, the State Lands Commission, the California Air Resources Board, and the State Water Resources Control Board. Based on that review, BCDC's Chief Counsel has prepared proposed updated Commission's Guidelines for Access to Public Records for the Commission's consideration.

The updated Guidelines include a preamble that states the Commission's policy, consistent with the California Public Records Act, to provide members of the public broad and convenient access to public records, and also notes that many Commission records are available on the Commission's website. The updated Guidelines then address a number of topics including:

- Direct Your Request for Records to BCDC's Legal Division
- Written Requests Encouraged (But Not Required)
- Public Records Defined
- Identifying Records
- Inspection of Public Records
- Processing Requests for Copies of Records
- Copying Fees
- Exemptions From Disclosures Under the California Public Records Act
- Identification of Requesters (Encouraged But Not Required)

In addition to the updated Guidelines, BCDC's Chief Counsel has prepared a number of FAQs and responses regarding accessing public records maintained by the Commission. The FAQs and responses are based on and address many of the issues discussed in the Guidelines, but are not proposed to be part of the Guidelines. This would allow the FAQs to be updated or revised in the future without Commission approval, provided that any revisions to the FAQs are consistent with the Guidelines.

### **Recommendation**

BCDC's Chief Counsel recommends that the Commission adopt the accompanying San Francisco Bay Conservation and Development Commission Guidelines for Access to Public Records dated November 3, 2016.