

California Fish and Game Commission

Guidelines for Public Records Act Requests

The California State Legislature has declared that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state, as set forth in Article 1, Section 3, of the California Constitution and the California Public Records Act (PRA; Government Code, Section 6250 et seq.).

These guidelines instruct Commission employees on how to handle requests for records under the PRA as well as inform the public about its rights to access Commission records under California law. These guidelines apply to requests for records held by the Commission. A PDF version of these guidelines can be downloaded and a hard copy of these guidelines will be provided free of charge upon request.

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What are "Public Records"?

The PRA broadly defines "public records" to include all written and recorded records in the Commission's possession, unless the PRA or other law exempts the records from disclosure. Printed and photocopied documents, internal and external correspondence, handwritten notes, computer data, electronic files, and audio and video recordings are all public records subject to disclosure unless they fall within an exemption. The PRA provides for public access to records the Commission generates, as well as records created by others that the Commission has in its possession.

The PRA provides for the disclosure of existing identifiable records. The Commission is not required to prepare new records in response to a request, or to compile, synthesize, summarize, or index information or records in a form that does not exist at the time of the request.

How May the Public Access Public Records?

Any member of the public may inspect public records or request copies of public records that are reasonably identified by the requester. A member of the public is any person except a member, agent, officer, or employee of a federal, state, or local agency acting within the scope of his or her membership, agency, office, or employment.

The Commission strongly encourages members of the public to submit PRA requests in writing. A Commission employee who receives a verbal request for records may ask, but

cannot require, the requester to submit the request in writing. If the requester declines to submit a written request, the Commission employee must document the verbal request and process it consistent with these guidelines.

Three pieces of information are important to include in a request:

1. A statement of whether the requester wants to inspect records or wants copies of records. The PRA allows for either type of request, and a requester may elect to identify records for copying during an initial inspection. If a requestor wants copies, they must identify whether electronic or hard copy. The PRA allows agencies to charge fees to cover the cost of copying records.
2. A clear and specific description of the records sought. The requester should identify specific dates or a date range for the records whenever possible, describe the subject in adequate detail, and include document titles, authors, and other information when known. Vague or unnecessarily broad descriptions, e.g., a request for all records “relating to” a general subject, may delay the Commission's response and result in a larger volume of records than the requester intended.
3. The requester's name, address, and other relevant contact information. The Commission encourages requesters to include a telephone number or e-mail address for use in the event staff has questions about the request. The Commission may request additional information if the request is not specific enough to identify the requested records.

Where Should Requests be Submitted?

The Commission has partnered with the California Department of Fish and Wildlife to use an online electronic system for processing requests that the Commission receives seeking records pursuant to the PRA. A requestor may submit a request, and check on its status at any time, via an online portal at <https://californiadfw.govqa.us/WEBAPP/rs/supporthome.aspx>.

Once in the online PRA system, for “Type of Record Requested” please select “California Fish and Game Commission.” There will be two options available for Commission records; by selecting one of those, the request will go directly to the Commission’s records management staff for handling. Once a request is submitted, the status of the request can be checked at any time using the online portal.

If a requestor chooses not to use the online portal, requests should be submitted directly to the Commission's PRA coordinator:

Public Records Act Coordinator
California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090
Telephone: (916) 653-4899
Email: FGC@fgc.ca.gov

The Commission’s Response to a PRA Request

Within 10 days of receiving a PRA request, Commission staff will determine whether the request, in whole or in part, is for copies of disclosable public records in the Commission’s

possession and will notify the requester of such determination. In unusual circumstances, the 10-day time limit may be extended up to 14 additional days by written notice to the requester identifying the need for the time extension.

The Commission will make the requested records available as promptly as reasonably practicable. In general, the Commission will usually need more time to locate and assemble a large number of records, than to locate one or several documents. Copying a large volume of records will also generally take more time than if the requester only seeks to inspect records.

When it completes its search for and, if relevant, its copying of documents, the Commission will advise the requester of: (1) the date and time at which the requested records may be inspected at the Commission office, or provide a contact person to arrange a date and time for inspection; (2) if copies of records are requested, any copying fee, which must be paid to obtain the copies; and (3) if applicable, provisions of the PRA which exempt some or all of the requested records from disclosure. The information is usually provided in a letter delivered by email or U.S. mail, but may be provided by telephone.

Members of the public who have concerns about the handling of a PRA request or difficulty obtaining information about the status of the Commission's response, may direct their concerns or questions to:

Michael Yaun, Legal Counsel
California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090
Telephone: (916) 653-4899
Michael.Yaun@fgc.ca.gov

When May Public Records be Inspected?

During the COVID-19 pandemic, any person who wishes to inspect public records must contact the Commission office to schedule an appointment to inspect the records.

Public records are available for inspection during Commission office hours, from 8:00 a.m. to 5:00 p.m. Monday through Friday, except for state holidays. The inspection of public records is subject to a rule of reason as to time and duration, and must be consistent with the efficient functioning of the Commission's office. Records not exempt from disclosure by state law will be open for public inspection with the least possible delay and expense to the requesting party. If public records, in whole or in part, are maintained in files that may also contain records that are privileged or otherwise exempt from the disclosure requirement, the Commission will need sufficient time to separate public records from the records that are not subject to disclosure.

What Records are Available for Inspection?

In addition to the public's right to access public records, California law recognizes both an individual's right of privacy and the need for state agencies to be able to competently perform their duties. To protect state interests, the PRA and other state statutes identify certain records and information that are exempt from public disclosure; a list of exemptions is included in the PRA. A few of the most common exemptions are:

1. Preliminary drafts, notes, or inter-agency or intra-agency memoranda which are not retained by the Commission in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure;
2. records pertaining to pending litigation to which the Commission is a party, or to claims made, until such litigation or claim has been finally adjudicated or otherwise settled;
3. personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of privacy;
4. records that are privileged under the California Evidence Code, including but not limited to attorney-client communications and attorney work product; and
5. records for which disclosure is prohibited by federal or state law.

The PRA also allows agencies to withhold records that do not fall within a specific exemption if the agency determines the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure.

Commission employees who are uncertain about whether records are exempt from disclosure should consult with the Commission's legal counsel. Any person may challenge a decision to withhold documents by seeking injunctive or declarative relief in any court of competent jurisdiction.

Will the Commission Charge a Fee?

The Commission does not charge a fee for assembling records for public inspection.

When photocopies are requested, the Commission charges a fee of \$0.15 per page to cover the direct cost of duplicating the records, which includes the proportionate cost of operating the copy machine and the expense of the person operating the copy machine, but not costs associated with retrieval, inspection and handling of the records. In addition, the Commission charges shipping fees for the direct cost associated with shipping the requested materials.

When copies of electronic records are requested, the Commission will charge an amount sufficient to cover the cost of the media used (e.g., a CD, DVD, or flash drive), if necessary, and the time spent compiling and duplicating the records. The fee will vary depending on the records sought and the media used.