

## Californians Aware Website Article

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### CalAware gives records training to state agencies

SACRAMENTO, October 6 (CalAware) – Nearly 200 attorneys and other public information officials representing 68 state agencies were given California Public Records Act training today by Californians Aware.

### CalAware Weekly

Issue Date: [2006-10-11 18:40:25](#)

The three-hour presentation, held in a hearing room of the Capitol and sponsored by Assembly Member Mark Leno (D-San Francisco), covered both the [rudiments of the law](#) governing requests for and exemptions from disclosure and a series of “Dos and Don’ts” for dealing with visits, phone calls or other approaches by citizens seeking public information.

CalAware provided the training as a gesture of good will toward state agencies that were willing to improve their practices. In two audits of key agencies this year, CalAware found many ill-informed about their most fundamental obligations under the California Public Records Act.

Governor Schwarzenegger recently vetoed AB 2927, carried by Assemblyman Leno in response to this poor showing. The bill among other things would have allowed citizens to request public records by submitting a form on state agencies' websites.

The legal portion of today's program, presented by General Counsel Terry Francke was reflected in a voluntary [take-home quiz](#) to be faxed back and scored by CalAware.

The policies and practices portion, presented by Executive Director Emily Francke, addressed four principal concerns: customer service, responsiveness, written guidelines for agency personnel and the public, and fees charged for copies.

Within the customer service framework, the presentation dealt with:

- Proposition 59, the state constitutional provision requiring interpretation of open government laws to err if at all on the side of disclosure;
- the distinct roles within the agency of those who greet the public, those who routinely process information requests and those who make ultimate decisions determining the agency’s response;
- avoiding a demand for the requester’s name, affiliation or purpose as a condition of access;
- ensuring that request processors are available at all times during the office hours of the agency; and
- the October 20 availability on CalAware’s website of a free directory listing of CPRA contact personnel at any state agency.

Regarding responsiveness, the presentation recommended:

- creating a list of most-likely requested documents according to their availability (always public/sometimes public/never public);
- making the list available to all request processors;
- checking the list for currency at least quarterly; and
- feeling free to consult with CalAware for an informal and confidential opinion concerning close questions.

With regard to written guidelines, recommendations included --

“Do:

- provide a good map for how to request records from your agency;
- write in language that is easy to understand;
- list your hours;
- list the name and contact info for the people in charge of handling requests;
- list your copy fees;
- make it clear that requests need not be made in writing;
- give examples from your Always, Sometimes, Never list;
- keep your guidelines brief, concise and updated; and
- post your guidelines on your website.”

“Do not:

- “classify” the guidelines by stamping them “Confidential” or words to that effect;
- simply cut and paste whole sections from the CPRA;
- use legal jargon; or
- use discouraging or intimidating language.”

Noted as examples of well-done guidelines were those of the [Department of Justice](#) and the [Department of Corporations](#).

The presentation cited a recent memorandum from the [Department of Justice](#) to CalAware reviewing six different formulas for calculating a reasonable charge for photocopying and settling on 10 cents as the rate to adopt for its own fee.

For a free DVD of the entire training session, use the “Contact Us” form at <http://www.calaware.org/calaware/contact.jsp>.

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