

## **PUBLIC RECORDS REQUEST GUIDELINES**

The California 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. The California Public Records Act, Government Code Section 6250 et seq., requires public records to be available to the public upon request. East Kern Cemetery District has established the following guidelines to ensure that members of the public fully understand and are afforded the opportunity to use their right to inspect and obtain copies of public records.

### ***What are 'public records'?***

"Public records" include any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by East Kern Cemetery District regardless of physical form or characteristics. "Writing" means handwriting, typewriting, printing, photostating, photography, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds or symbols or any combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents. 'Member of the public' means any person, except a member, agent, officer, or employee of federal, state, or local agency acting within the scope of his or her membership, agency, office, or employment.

### ***When may public records be inspected?***

Public records are open to inspection during East Kern Cemetery District office hours, 8:00 a.m. – 12:00 p.m. and 1:00 – 4:30 p.m., Monday through Friday, except for district 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 East Kern Cemetery District offices. East Kern Cemetery District requests any person who wishes to inspect public records to telephone the East Kern Cemetery District to schedule an appointment to inspect the records. It is the policy of East Kern Cemetery District that 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.

### ***How does the public obtain access to public records?***

All requests for records are directed to the East Kern Cemetery District Office for review and advice.

East Kern Cemetery District Office

TEL: 661-824-2778      toll free: 800-711-6199

FAX: 661-824-3705

EMAIL: [ekcd1940@att.net](mailto:ekcd1940@att.net)

It is important to include the following information in your request, so that we may answer your request in a timely manner:

- A statement that you are requesting information under the PRA.
- A clear and specific description of the information you are requesting. If possible, identify dates, subjects, titles, or authors of the documents requested.
- An explanation of what the information will be used for (i.e. scholarly purpose, commercial use, personal use, etc.). This will help us determine what fees, if any, to charge you for the information.

- If you are requesting a waiver of fees, please state why you believe you are entitled to the waiver.
- Your contact information, including name, address, phone, fax, and email. Within 10 days from the date the request is received, East Kern Cemetery District will determine whether the request, in
- whole or in part, seeks copies of disclosable public records in East Kern Cemetery District's possession and notify the requestor of such determination. In unusual circumstances, the 10-day
- time limit may be extended up to 14 days by written notice by East Kern Cemetery District to the requestor, setting forth the reason for the time extension. Unusual circumstances include:

(1) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request,

(2) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request,

(3) the need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in East Kern Cemetery District's determination of the request or among 2 or more components of East Kern Cemetery District having substantial subject matter interest therein,

(4) the need to compile data, write programming language or a computer program, or construct a computer report to extract data. East Kern Cemetery District may request additional information if the request is not specific enough to permit identification of the requested records. If East Kern Cemetery District determines it shall comply with the request, the records will be made available as promptly as is reasonably practicable.

While East Kern Cemetery District shall disclose identifiable and existing records, East Kern Cemetery District is not required to synthesize, manufacture, or summarize records, i.e., develop new records in response to a request.

### ***Records in Electronic Format***

Upon request, East Kern Cemetery District shall make available any public record in electronic format in any electronic format in which East Kern Cemetery District holds the information or in the format requested if the requested format is one that has been used by East Kern Cemetery District to create copies for its own use or for provision to other agencies.

### **Will there be a fee?**

A request for a copy of an identifiable public record or information produced therefrom must be accompanied by payment of fees to cover the direct costs of duplication, which will be based on a fee of \$.10 per standard reproduced page.

### ***Fees for Records In Electronic Format***

The requestor shall bear the direct costs of duplication of producing a copy of a record in electronic format and shall also bear the costs to construct a record and the programming and computer services necessary if:

- (1) East Kern Cemetery District is required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals or
- (2) East Kern Cemetery District is required to perform data compilation, extraction or programming to produce the record.

***What will East Kern Cemetery District's response to a records request include?***

In responding to information requests, East Kern Cemetery District will advise the person submitting the request, by telephone or by mail as appropriate, of:

- a) the location, date, and time at which the requested records may be inspected;
- b) if copies of records are requested, the cost of providing such copies;
- c) which of the records requested are not subject to disclosure as public records pursuant

***What records are not open for inspection?***

In balancing the public's right to access public records with the recognized individual right of privacy and the need for East Kern Cemetery District to be able to competently perform its duties, the Legislature has established certain categories of records, which may be exempt from public disclosure. A complete list of statutory exemptions is found in the California Public Records Act. Records exempt for disclosure that pertain to East Kern Cemetery District include, but are not limited to the following:

- a) Burial records that include personal information that would constitute an unwarranted invasion of personal privacy;
- b) Preliminary drafts, notes, or inter-agency or intra-agency memoranda which are not retained by East Kern Cemetery District in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure;
- c) Records pertaining to pending litigation to which East Kern Cemetery District is a party, or to claims made until such litigation or claim has been finally adjudicated or otherwise settled;
- d) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;
- e) Records of complaints to or investigations conducted by East Kern Cemetery District for law enforcement purposes;
- f) Contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by East Kern Cemetery District 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.

***What if a member of the public wishes to challenge the East Kern Cemetery District's determination not to disclose records?***

Under the California Public Records Act, Government Code Section 6258, any person may seek injunctive or declarative relief in any court of competent jurisdiction to enforce the right to inspect or to receive a copy of any public record.

Persons with disabilities who require accommodation for obtaining access to East Kern Cemetery District public records should notify East Kern Cemetery District of their accommodation needs in their written request.

# EAST KERN CEMETERY DISTRICT

## PUBLIC RECORDS ACT REQUEST FORM

Must be mailed to P.O. Box 372, Mojave, CA 93502 or Faxed to 661-824-3705

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(Must be completed in its entirety to help reduce any delay)

Request made by: \_\_\_\_\_

Date request was made: \_\_\_\_\_

Contact Information:

Address: \_\_\_\_\_

Telephone No: \_\_\_\_\_

Email Address: \_\_\_\_\_

Documents Requested: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Request made to: \_\_\_\_\_

Is request made for copies or inspection:           Copies \_\_\_\_\_           Inspection \_\_\_\_\_

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(Must be completed by District Staff)

Request Approved?                                   Yes \_\_\_\_\_                                   No \_\_\_\_\_

If "NO", list the names and positions of the persons responsible for the denial and reasons:

Names: \_\_\_\_\_

Reasons: \_\_\_\_\_

Extension of Time Required?                   Yes \_\_\_\_\_                   NO \_\_\_\_\_

If "YES" indicate reason:

\_\_\_\_\_ The request requires searching, collecting and examining of a voluminous amount of separate records.

\_\_\_\_\_ The request requires consultation with another agency having a substantial interest in the matter.

\_\_\_\_\_ The request requires consultation with council to determine legal requirements.

\_\_\_\_\_ The request of staff to compile data, to write programming language or a computer program to extract or compile data.

Expected Date of Response \_\_\_\_\_ (may not exceed 10 calendar days, plus 14 days, if extension is invoked from the date request was received by the District)

Member  
CALIFORNIA ASSOCIATION OF PUBLIC CEMETERIES  
CALIFORNIA SPECIAL DISTRICT ASSOCIATION