Frequently Requested Information and Records

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This table is intended as a general guide on the applicable law and is not intended to provide legal advice. The facts and circumstances of each request should be carefully considered in light of the applicable law. A local agency's legal counsel should always be consulted when legal issues arise.

Information/Records Requested	Must the Information/Record Generally Be Disclosed?	Applicable Authority
Agenda materials distributed to a legislative body relating to an open session item	Yes	Gov. Code, § 54957.5. *For additional information, see p. 50 of "The People's Business: A Guide to the California Public Records Act," hereafter referred to as "the Guide".*
Audit Contracts	Yes	Gov. Code, § 6253.31
Auditor Records	Yes, with certain exceptions.	Gov. Code, § 36525(b)
Automated Traffic Enforcement System (red light camera)	No	Veh. Code, § 21455.5(e)(1)
Autopsy Reports	No	Gov. Code, § 6254(f); *Dixon v. Superior Court* (2009) 170 Cal.App.4th 1271.
Calendars of Elected Officials	Probably not, but note that there is no published appellate court decision on this issue post- Prop. 59.[1]	See *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d. 1325 *and Rogers v. Superior Court* (1993) 19 Cal.App.4th 469 for a discussion of the deliberative process privilege. See also, 87 Ops.Cal.Atty.Gen. 181 (2004); 88 Ops.Cal. Atty.Gen. 16 (2005); 89 Ops.Cal.Atty.Gen. 204 (2006), as to scope of Prop. 59. *For additional information, see p. 35 of the Guide.*

Information/Records Requested	Must the Information/Record Generally Be Disclosed?	Applicable Authority
Contact information – Names, addresses, and phone numbers of crime victims or witnesses	No	Gov. Code, § 6254(f)(2). *For additional information, see p. 29 of the Guide.*
Citizen complaints against peace officers – annual summary report to AG	Yes	Pen. Code, § 832.7(c). *For additional information, see p. 30 of the Guide.*
Citizen complaint information – names, addresses, and telephone numbers	No	*City of San Jose v. San Jose Mercury News* (1999) 74 Cal.App.4th 1008. *For additional information, see p. 30 of the Guide.*
Claims for damages	Yes	*Poway Unified School District v. Superior Court* (1998) 62 Cal.App.4th 1496.
Dog license information	Unclear.	See conflict between Health & Safety Code, § 121690(h) which states that license information is confidential, and Food and Agr. Code, § 30803(b) stating license tag applications shall remain open for public inspection.
Election petitions (initiative, referendum and recall petitions)	No, except to proponents if petition found to be insufficient.	Gov. Code, § 6253.5; Elec. Code, §§ 17200, 17400, and 18650; Evid. Code, § 1050. *For additional information, see p. 21 of the Guide.*
Emails between government staff	It depends.	Generally, emails are deleted by administrative policy and are not retained in the ordinary course of business. (*See* § 6254(a)). See also *Times Mirror v. Superior Court* (1991) 53 Cal.3d 1325; *Rogers v. Superior Court* (1993) 19 Cal.App.4th 469 for a discussion of the deliberative process privilege. *For additional information, see p. 35 of the Guide.*
Employment Agreements/Contracts	Yes	Gov. Code, §§ 6254.8 and 53262(b). *For additional information, see p. 30 of the Guide.*

Information/Records Requested	Must the Information/Record Generally Be Disclosed?	Applicable Authority
Expense Reimbursement Report Forms	Yes	Gov. Code, § 53232.3(e)
Form 700 (Statement of Economic Interests) and Campaign Statements	Yes[2]	Gov. Code, § 81008
Grading documents including geology reports, compaction reports, and soils reports submitted in conjunction with an application for a building permit	Yes	89 Ops.Cal.Atty.Gen. 39 (2006); but see Gov. Code, § 6254(e). *For additional information, see p. 19 of the Guide.*
Juvenile Court Records	No	*T.N.G. v. Superior Court* (1971) 4 Cal.3d. 767; Welf. & Inst. Code, §§ 827 and 828. *For additional information, see p. 24 of the Guide.*
Legal billing statements	Generally, yes, as to amount billed. No, as to any billing detail which reflects an attorney's impressions, conclusions, opinions or legal research or strategy.	Gov. Code, § 6254(k); Evid. Code, § 950, et seq.; *Smith v. Laguna Sun Villas Community Assoc.* (2000) 79 Cal.App.4th 639; *United States v. Amlani,* 169 F.3d 1189 (9th Cir. 1999); *Clarke v. American Commerce National Bank*, 974 F.2d. 127 (9th Cir. 1992); but see Gov. Code, § 6254(b) as to the disclosure of billing amounts reflecting legal strategy in pending litigation. *For additional information, see p. 19, 28 of the Guide.*
Library Patron Use Records	No	Gov. Code, §§ 6254(j) and 6267. *For additional information, see p. 25 of the Guide.*
Medical Records	No	Gov. Code, § 6254(c). *For additional information, see p. 25 of the Guide.*
Mental Health detentions *(5150 reports)*	No	Welf. & Inst. Code, § 5328. *For additional information, see p. 24 of the Guide.*

Information/Records Requested	Must the Information/Record Generally Be Disclosed?	Applicable Authority
Minutes of Closed Sessions	No	Gov. Code, § 54957.2(a). *For additional information, see p. 19, 34, 35 of the Guide.*
Notices/Orders to property owner re: housing/building code, violations	Yes	Gov. Code, § 6254.7(c). *For additional information, see p. 20 of the Guide.*
Official Building Plans (architectural drawings and plans)	Inspection only. Copies provided under certain circumstances.	Health & Saf. Code, § 19851; see also 17 U.S.C. §§ 101 and 102. *For additional information, see p. 19 of the Guide.*
Personal Financial Records	No	Gov. Code, §§ 7470, 7471, 7473; see also Gov. Code, § 6254(n). *For additional information, see p. 25 of the Guide.*
Personnel • Employee inspection of own personnel file	Yes, with exceptions.	• *For additional information, see p. 29-31 of the Guide.* Lab. Code, § 1198.5. This section applies to charter cities. *See* Gov. Code, § 31011. For peace officers, see Gov. Code, § 3306.5.
• Investigatory reports	It depends.	• Sanchez v. County of San Bernardino (2009) 176 Cal.App.4th 516; BRV, Inc. v. Superior Court (2006) 143 Cal.App.4th 742. *For additional information, see p. 29-30 of the Guide*.
• Names and salaries (including performance bonuses and overtime) of public employees, including peace officers	Yes, absent unique, individual circumstances. However, other personal information such as social security numbers, home telephone numbers and home addresses are generally exempt from disclosure per Gov. Code, § 6254(c).	• *International Federation of Professional and Technical Engineers, Local 21, AFL-CIO, et al. v. Superior Court* (2007) 42 Cal.4th 319.

Information/Records Requested	Must the Information/Record Generally Be Disclosed?	Applicable Authority
• Names of pensioners and amounts received. • Test Questions, scoring keys, and other examination data.	Yes No	• *Sacramento County Employees' Retirement System (SCERS) v. Superior Court* (2011) 195 Cal.App.4th 440; *San Diego County Employees Retirement Association v. Superior Court* (2011) 196 Cal.App.4th 1228. • Gov. Code, § 6254(g)
Police		*For additional information, see p. 22-25 of the Guide.*
• Arrest Information	Yes	• Gov. Code, § 6254(f)(1); *County of Los Angeles v. Superior Court (Kusar)* (1993) 18 Cal.App.4th 588.
• Citizen complaint policy	Yes	• Pen. Code, § 832.5(a)(1)
• Criminal history	No	• Pen. Code, § 13300 et seq.; Pen. Code, § 11105 et seq.
• Criminal investigative reports including booking photos, audio recordings, dispatch tapes, 911 tapes and in-car video	No	• Gov. Code, § 6254(f); *Haynie v. Superior Court* (2001) 26 Cal.4th 1061.
• Crime reports	Yes	• Gov. Code, §§ 6254(f), 6255.
• Gang intelligence information	No	• Gov. Code, § 6254(f); 79 Ops.Cal.Atty Gen. 206 (1996).
• In custody death reports to AG	Yes	• Gov. Code, § 12525
• Juvenile court records	No	• *T.N.G. v. Superior Court* (1971) 4 Cal.3d 767; Welf. & Inst. Code, §§ 827 and 828. *For additional information, see* p. 24 of the Guide.
• List of concealed weapon permit holders	Yes	• Gov. Code, § 6254(u)(1); *CBS, Inc. v. Block* (1986) 42 Cal.3d 646.

Information/Records Requested	Must the Information/Record Generally Be Disclosed?	Applicable Authority
• Concealed weapon permits and applications	Yes, except for home/ business address and medical/psychological history.	• Gov. Code, § 6254(u)(1); *CBS, Inc. v. Block* (1986) 42 Cal.3d 646.
• Mental health detentions (5150 reports)	No	• Welf. & Inst. Code, § 5328. *For additional information, see* p. 24 of the Guide.
• Officer's personnel file	No	• This information can only be disclosed through a Pitchess motion. Pen. Code, §§ 832.7 and 832.8; Evid. Code, §§ 1043-1045.
• Peace officer's name, employing agency and employment dates	Yes, absent unique, individual circumstances.	• *Commission on Peace Officer Standards and Training v. Superior Court* (2007) 42 Cal.4th 278.
• Names of officers involved in critical incidents	Yes, absent unique, individual circumstances.	• *Commission on Peace Officer Standards and Training v. Superior Court* (2007) 42 Cal.4th 278; *New York Times v. Superior Court* (1997) 52 Cal.App.4th 97; 91 Ops. Cal.Atty.Gen. 11 (2008).
• Traffic accident reports	Yes, to certain parties.	• Veh. Code, § 16005 [only disclose to those needing the information, such as insurance companies, and the individuals involved].
Public Contracts • Bid Proposals, RFP proposals	Yes, but only after negotiations are complete.	• *Michaelis v. Superior Court* (2006) 38 Cal. 4th 1065; *but see* Gov. Code, § 6255 and Evid. Code, § 1060. *For additional information, see p. 31-32 of the Guide.*
• Financial information submitted for bids	No	• Gov. Code, §§ 6254(a),(h) and (k), 6254.15 and 6255; *Schnabel v. Superior Court of Orange County* (1993) 5 Cal.App.4th 704, 718. *For additional information, see p. 31-32 of the Guide.*
• Trade secrets	No	• Evid. Code, § 1060; Civ. Code, § 3426, et seq. *For additional information, see p. 33 of the Guide.*

Information/Records Requested	Must the Information/Record Generally Be Disclosed?	Applicable Authority
Purchase price of real property	Yes, after the agency acquires the property.	Gov. Code, § 7275
Real Estate • Property information (such as selling assessed value, square footage, number of rooms) • Appraisals and offers to purchase	 Yes Yes, but only after conclusion of the property acquisition.	*For additional information, see p. 32 of the Guide.* • 88 Ops.Cal.Atty.Gen. 153 (2005). • Gov. Code, § 6254(h); Note that Gov. Code, § 7267.2 requires release of more information to the property owner while the acquisition is pending.
Report of arrest not resulting in conviction	No, except as to peace officers or peace officer applicants.	Lab. Code, § 432.7
Settlement Agreements	Yes	*Register Division of Freedom Newspapers v. County of Orange* (1984) 158 Cal.App.3d 893. *For additional information, see p. 28 of the Guide.*
Software, including Geographic Information System (GIS) mapping systems	No	Gov. Code, § 6254.9; 88 Ops.Cal.Atty.Gen. 153 (2005); *but see County of Santa Clara v. Superior Court* (2009) 170 Cal.App.4th 1301 for GIS basemap as public record; *Sierra Club v. Superior Court* (2011) 195 Cal.App.4th 1537; *for additional information, see* p. 51 of the Guide.
Speaker Cards	Yes	Gov. Code, § 6255
Tax Return Information	No	Gov. Code, § 6254(k); IRS Code, § 6103.

Information/Records Requested	Must the Information/Record Generally Be Disclosed?	Applicable Authority
Taxpayer information received in connection with collection of local taxes	No	Gov. Code, § 6254(i). *For additional information, see p. 33 of the Guide.*
Telephone Records of Elected Officials	Yes, as to expense totals. No, as to phone numbers called.	See *Rogers v. Superior Court* (1993) 19 Cal.App.4th 469. *For additional information, see p. 35 of the Guide.*
Utility usage data	No, with certain exceptions.	Gov. Code, § 6254.16. *For additional information, see p. 33 of the Guide.*
Voter information	No	Gov. Code, § 6254.4. *For additional information, see p. 21 of the Guide.*

1 *The analysis with respect to elected officials may not necessarily apply to executive officers such as City Managers or Chief Administrative Officers, and there is no case law directly addressing this issue.*

2 *It should be noted that these statements must be made available for inspection and copying not later than the second business day following the day on which the request was received.*

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