

Records Request Informational Sheet

State Personnel Board Appeals Division — January 2019



Records Requests

(Public Records Act, Government Code sections 6250-56276.48.)

All requests for records will be processed in the order in which they are received.

Requests must be for records in the possession of the Board and must be clearly identifiable records. (*Gov. Code, § 6253.*) Requests not meeting this criteria may be returned. Copies of records will be redacted if they contain confidential information. (*The California Public Records Act does not require an agency to create a document or record not already in existence.*)

You will be notified within 10 days whether the requested documents, in the possession of the Board may be disclosed. (*Gov. Code, § 6253.*) In "unusual" cases (*such as when the request is "voluminous," seeks records held off-site, or requires consultation with other agencies*) the Board may, upon written notice to the Requestor, give itself an additional 14 days to respond to the request. (*Gov. Code, § 6253, subd. (c).*)

The Requestor shall bear the total cost of producing the entire record to include, but is not limited to, the cost to construct the record, the cost to produce the hearing transcript, and the cost of any programming and computer services, if necessary, to produce the record. An invoice for the production of the records will be provided when the records are compiled. However, subsequent costs to produce a copy of a record already in the possession of the Board may be charged at \$0.10 per page.

(Gov. Code, § 6253.9, subs. (a)(2) & (b).)

A Compact Disc (CD) of records and/or recorded hearings is charged at \$5.00 per CD. Please do not send payment for a CD until you have been invoiced.

At the request of any party, a hearing transcript may be produced by a certified court reporter approved by the Chief Administrative Law Judge or his or her designee. The certified court reporter shall be retained by the Board. The cost of the court reporter shall be borne by the person making the request. The Board shall receive a copy of the hearing transcript from the court reporter at no expense to the Board.

Writs of Mandamus

(Code of Civil Procedure section 1094.5)

All requests for records submitted to the Board for the purpose of filing a Writ of Mandamus in superior court challenging the validity of a Final Decision rendered by the Board shall be designated as an Administrative Record.

The complete Administrative Record of an evidentiary, informal, or investigatory hearing shall include any pleadings, motions, notices, orders, evidence marked for identification and offered for introduction into the record (whether admitted or rejected), transcriptions of all recorded proceeding, and other written communication addressing substantive issues pertinent to the case. The Administrative Record shall not include any evidence that a party has withdrawn.

(Cal Code Regs., tit. 2, § 51.4)

The total cost of producing the Administrative Record shall be borne by the petitioner.

(Code Civ Proc., § 1094.5, subd. (a).)

A written Estimate of Costs for the production of the records will be provided within 10 days of the request. Upon receipt of payment, the Administrative Record will be compiled and delivered.

To file a records request, please submit a Records Request form (SPB-301) available at: http://www.spb.ca.gov/content/appeals/SPB301_Records_Request_Form.pdf

Guidelines for access to State Personnel Board Public Records are available at: http://www.spb.ca.gov/laws/publicrecords_guidelines.pdf

If you have further questions, please e-mail the State Personnel Board at custodianofrecords@spb.ca.gov, or by phone at 916-653-0799.