

PUBLIC RECORDS REQUESTS – PUBLIC RECORDS ACT COMPLIANT**I. Public Records****A. Public Records Defined**

Excelsior Charter Group (ECG) provides the public with access to its public records in accordance with legal requirements. Public records are those writings containing information relating to the conduct of ECG's business that are prepared, owned, used or retained by ECG regardless of physical form or characteristics. Certain public records, however, are exempt from disclosure by express provision of law. These records will not be provided to the public. ECG may not deny disclosure of records based on the purpose for which the record is being requested.

B. Records Exempt from Disclosure

Some of the records that are exempt from disclosure include the following categories. This is not an exhaustive list.

- Preliminary drafts, notes or inter/intra-School memoranda that are not retained by ECG in the ordinary course of business;
- Records pertaining to pending litigation to which ECG is a party or to claims made pursuant to the Tort Claims Act.
- Personnel, medical, or similar files.
- Test questions, scoring keys and other examination data used to administer an examination for employment or academic examination, unless specifically authorized by law.
- The content of real estate appraisals or engineering or feasibility estimates and evaluations made for or by ECG relative to the acquisition of property, until all of the property has been acquired.
- Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.
- A document prepared by or for ECG that assesses its vulnerability to terrorist attack or other criminal acts intended to disrupt ECG's operations and that is for distribution or consideration in a closed session.
- Trade secrets.

- Computer software developed by ECG.
- Records where, on the facts of the particular case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

ECG may, in its discretion and as permitted by law, waive the applicable exemption to the records. In this case, the disclosure constitutes a waiver for all requesters of that public record and will be open to inspection by all requesters.

II. Process for Requesting Public Records

A. Requests for Public Records

Any person wishing to inspect ECG's public records shall make the request, preferably in writing, to **Chief Operations Officer, (760) 245-4262 extension 406, 15505 Civic Dr. Victorville, CA 92392**. The request must reasonably describe an identifiable public record(s) and must be specific and focused.

To the extent reasonable under the circumstances, ECG will assist the requester to make a focused and effective request by:

- Assisting the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
- Describing the information technology and physical location in which the records exist.
- Providing suggestions for overcoming any practical basis for denying access to the records or information sought.

If ECG is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record(s), ECG will not provide further assistance to the requester.

B. Response to Public Records Request

The COO will, within 10 days of receipt of the request, provide a written response to the requester of public records. The written response shall contain the following information:

- Notice informing the requester whether the request, in whole or in part, seeks copies of disclosable public records in the possession of ECG and the reasons for the determination.
- If ECG denies any request for records, in whole or in part, and the request was in writing, the notification of denial will set forth the names and titles or positions of each person responsible for the denial.

- The date and time when the records will be made available.
- If the request identifies information which is contained in both electronic format and hard copy, the notice may inform the requester that the information is available in either format.
- If the requester seeks copies of the records, ECG may identify a fee covering the direct costs of duplication.
- If the requester seeks copies in electronic format, ECG may charge the requester the direct cost of producing a copy of the record in that format. If, in order to comply with these requirements relating to electronic formatted records described below, ECG 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 the request would require data compilation, extraction or programming to produce the record, ECG may charge the requester the cost to construct a record, the cost of programming and computer services necessary to produce the record.

III. Records Inspections or Copies

Time and Place of Inspection: A person who has made a public records request may inspect the records after the date and time identified in the response to the request. Generally, records inspections may take place at 15505 Civic Dr. Victorville, CA 92392, during office hours of ECG, which are 8:00 am to 4:00 pm, Monday through Friday excluding holidays.

Electronic Formatted Records: If ECG has information that constitutes an identifiable public record not exempt from disclosure that is in an electronic format, and it has been requested in an electronic format, ECG will make that information available in an electronic format. ECG will make the information available for inspection in any electronic format in which it holds the information. If the requested format is one that ECG uses to create copies for its own use or for provision to other agencies, ECG will provide a copy of the electronic record. ECG will not, however, provide electronic records in the electronic form in which it is held by ECG if its release jeopardizes or compromises the security or integrity of the original record or of any proprietary software in which it is maintained.

If ECG no longer has the record in electronic format, ECG will not reconstruct the record in electronic format.

Partial Disclosure: If the requested records may only partially be disclosed because some are exempt from disclosure, the reasonably segregable portion of the record(s) will be made available for inspection.

Adopted: 12/5/2017

Amended: 02/26/2019