



Requests for Inspection of Public Records

**Administration
Board of Directors**

Approved:
Board of Directors

Date Issued: 02/24/2022
Date Reviewed:
Date Revised:
Issued by: LVMC Board of Directors

1. Policy. This Policy sets forth the Center policies and procedures regarding requests for inspection of public records. It is designed to be in compliance with existing law, specifically Government Code section 6250 et seq. If any provision of this Policy conflicts with the law, the law shall take precedence.
2. Definitions. As used in this Policy, the following terms shall have the following meanings.
 - a. "Center" shall mean the LOMPOC VALLEY MEDICAL CENTER.
 - b. "Person" shall mean any natural person, corporation, partnership, limited liability company, firm, or association.
 - c. "Writing" means handwriting, typewriting, printing, photostatting, photographing, photocopying, electronic mail, facsimile, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof and any record thereby created, regardless of the manner in which the record has been stored.
 - d. "Public records" shall mean any writing containing information relating to the conduct of the Center's business prepared, owned, used, or retained by the Center regardless of physical form or characteristics that are open to public inspection by law.
 - e. "Requestor" shall mean a person, or representative of a person, who has correctly filled out the request form, attached as Exhibit "A" to this Policy.
3. Procedure.
 - a. Right to Inspect To the extent required by law, and except as otherwise provided herein, all public records of the Center are open to inspection by any person at all times during the office hours of the Center (pursuant to Section V herein). Copies of public records may be obtained by any person, subject to compliance with the procedures set forth in this Policy. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

- b. Records Exempt from Disclosure Records which are exempt from disclosure under applicable law include but are not limited to the following:
- 1) Preliminary drafts, notes, interagency, or intra-agency memoranda which are not retained by the Center in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure.
 - 2) Records pertaining to pending litigation to which the Center is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such pending litigation or claim has been finally adjudicated or otherwise settled.
 - 3) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.
 - 4) Contained in or related to:
 - a) Applications filed with any state agency responsible for the regulation or supervision of the issuance of securities or of financial institutions, including, but not limited to, banks, savings and loan associations, industrial loan companies, credit unions, and insurance companies.
 - b) Examination, operating, or condition reports prepared by, on behalf of, or for the use of, any state agency referred to in Section (1) above.
 - 5) Geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop reports, which are obtained in confidence from any person.
 - 6) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination, except as provided for in Chapter 3 (commencing with Section 99150) of Part 65 of the Education Code.
 - 7) The contents of real estate appraisals, engineering or feasibility estimates, and evaluations made for or by the Center 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 agreements are obtained, provided that the law of eminent domain shall not be affected by this provision.
 - 8) Information required from any taxpayer in connection with the collection of local taxes which is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying such information.
 - 9) Library circulation records kept for the purpose of identifying the borrower of items available in libraries, and library materials acquired solely for reference purposes. This exemption does not apply to records of the fines imposed on the borrowers.
 - 10) Statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with such licensing agency to establish his or her personal qualification for the license, certificate, or permit for which the applicant applied.
 - 11) A final accreditation report of the Joint Commission on Accreditation of Hospitals that has been transmitted to the State Department of Health

Services pursuant to subdivision (b) of Section 1282 of the Health and Safety Code.

- 12) Records of the Center that relate to any contract with an insurer or nonprofit hospital service plan for inpatient or outpatient services for alternative rates pursuant to Section 10133 or 11512 of the Insurance Code. However, the record shall be open to inspection within one year after the contract is fully executed.
- 13) Computer software developed by a state or local agency is not itself a public record under this chapter. The agency may sell, lease, or license the software for commercial or noncommercial use. Computer software includes computer mapping systems, computer programs, and computer graphic systems.
- 14) The records made, if any, of closed sessions, pursuant to Government Code Section 54957.2, are not public records subject to inspection.
- 15) Records the disclosure of which is exempted or prohibited pursuant to federal or state law.

This partial list of exemptions is subject to applicable law, and any changes in law are automatically incorporated herein.

- c. Requests to Inspect and/or Make Copies Any person desiring to inspect records, including tapes of the meetings of the Board of Directors, of the Center shall submit the request form attached as Exhibit "A" to the Office of the CEO. The requestor shall, in writing, specify the records to be inspected with sufficient detail to enable the Center to identify the particular records and shall specify the number of persons to attend such inspection. If the request is ambiguous or unfocused, the Center shall make a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records. Pursuant to Government Code section 6253.1, the Center shall do all of the following, to the extent reasonable under the circumstances:

- 1) Assist 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;
- 2) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.
- 3) These requirements are deemed to have been satisfied if the Center is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requestor that will help identify the record or records.
- 4) The Center, upon a request for inspection or for a copy of records, shall, within ten (10) days from receipt of the request, determine whether the request, in whole or in part, seeks inspection of or copies of disclosable public records in the possession of the Center and shall promptly notify the person making the request of the determination and the reasons therefore. In unusual circumstances, the time limit prescribed in this Section may be extended by written notice by the CEO of the Center or his/her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than fourteen (14) days. A response to a written request for inspection or copies of public records that includes a

determination that the request is denied, in whole or in part, shall be in writing. As used in this Section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request.

- a) 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.
 - b) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the Center having substantial subject matter interest therein.
 - c) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.
- 5) Procedures for Approved Requests for Inspection and/or Copies.
Approved requests for inspection and/or copies will be handled as follows:
- a) Mail Request – The Office of the CEO will notify the requestor of the fees to be paid to the Center for copies of such records. Upon receipt of such fees, the Records Clerk shall prepare and mail copies of such records to the person requesting them.
 - b) In-Person Request – Copies of requested documents will be provided after receipt of a completed request form (Exhibit "A") and payment of fees in accordance with the established fee schedule (Exhibit "B").
 - c) Telephone Request – In response to a telephone request for copies of Center records, the Office of the CEO will explain the records request procedure (including established fees) as outlined in subsections (1) and (2) above. Payment of fees is required before copies may be prepared.
 - d) E-Mail Requests – In response to an E-Mail request for copies of Center records, the Office of the CEO will transmit to the Requestor and explanation of the procedures (including established fees) as outlined in subsections (1) and (2) above and transmit Exhibits "A" and "B" to the Requestor. Payment of fees is required before copies may be prepared.
- 6) Any person in attendance at an inspection of Center records may request a copy of any record being inspected. Upon completion of the written request and payment of the fee set forth herein, the Office of the CEO will prepare the copies of such records for the requestor.
- 7) Members of the public seeking to review a tape(s) of the Board of Directors meetings must complete the request form set forth in Exhibit "A," complying with Section V of this Policy as well as call the Board's Executive Assistant to make an appointment to review the tape(s). In the alternative, the Center will provide the person requesting to review the tapes(s) with the phone number of the television station that airs the meetings of the Board of Directors to obtain the schedule for airing the Board of Directors' meetings.
- a) At the scheduled appointment to review a tape, as scheduled in accordance with the above, the member of the public must be

accompanied by a member of Center staff to a private area in the hospital to listen to the audiotape of the Board of Directors meeting. A member of Center staff must be present at all times during which the member of the public listens to the audiotape in order to operate the audiotape playing device.

- b) Should a member of the public desire to obtain a duplicate the audio or video tape of the Board of Directors meetings, the member of the public must follow the procedures set forth above for obtaining copies of public records.
- d. Fees for Costs - The Center shall charge a reasonable fee (not to exceed the direct cost of reproduction) for copies or of identifiable public records or information produced there from as set forth in Exhibit "B," attached hereto, which provides a complete schedule of photocopying, information reproduction, and transmission. The reasonable fee shall include actual cost of reproduction of documents plus clerical costs directly incurred in duplication.
- e. Agendas and Agenda Packets, Charges for Mailing Packets
 - 1) Any person may request that a copy of the Agenda, or a copy of all the documents constitutes the agenda packet, of any meeting of the Board or one or more of its Committees be mailed to that person. If requested, the Agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132.), and the federal rules and regulations adopted in implementation thereof. Upon receipt of the written request, the Office of the CEO shall cause the requested materials to be mailed at the time the agenda is posted pursuant to Government Code section 54954.2 and 54956 or upon distribution to all, or a majority of all, of the members of the Board, whichever occurs first. Any request for mailed copies of Agendas or Agenda packets shall be valid for the calendar year in which it is filed, and must be renewed following January 1 of each year.
 - 2) There is no fee for a request for mailing the Agenda of meetings of the Board or its Committees without the packet. The Board hereby establishes a fee for mailing the Agenda packet of meetings of the Board and its Committees. The fee shall not exceed the cost of providing the service. The fee for receiving the agenda packets shall be the actual cost incurred by the Center, based on the previous year costs, payable in advance. If the requesting person requests mailing of the Agenda or Agenda packet for a specified period less than a year, the annual fee shall be pro-rated based upon the number of months and any parts thereof which fall within the period for which the request is made, but shall still be paid in advance. The fee amount applies regardless of whether the request is for agenda packets of the Board or one or more of its Committees, and the requestor shall be entitled to receive all of the packets. Failure of the requesting person to receive the Agenda or Agenda packet pursuant to this Section shall not constitute grounds for invalidation of the actions of the legislative body taken at the meeting for which the Agenda or Agenda packet was not received.
- f. Waiver of Required Fees As a means of facilitating and expediting efficient business relationships, the fees for copies of Agenda packets and approved minutes of Board of Directors meetings and Board of Directors Committee

meetings may be waived for other local and state agencies, regulatory agencies and news organizations, at the discretion of the CEO. In addition, should any member of the public desire a public document such as minutes to a single meeting of the Board or a standing Committee of the Board, or the budget, the Office of the CEO may waive the fees. Any request for a waiver of required fees must be made in writing to the Office of the CEO at the time copies are requested, and the CEO shall keep a record of all fee waivers under this section. Should any public record request involve significant reproduction costs, in the judgment of the Office of the CEO, such costs shall not be waived. Additionally, should a public agency not reciprocate with a similar waiver of fees for Agenda packets and approved minutes of the meetings of their governing body, the Center will require that the fees set forth in Exhibit "B" attached hereto shall be paid by that agency prior to receiving copies of Center documents. Fees for the entities listed on Exhibit "C" attached hereto will be automatically waived except those agencies that do not reciprocate with a similar waiver.

EXHIBIT "A"

LOMPOC VALLEY MEDICAL CENTER

PUBLIC RECORD REQUEST FORM

Date: _____

In accordance with Government Code section 6253(b) of the California Public Records Act, I am requesting to inspect the following documents:

I understand that the Center will respond to all Public Records Requests in compliance with State law.

I am also seeking _____ copies of the documents listed above.

If I seek copies of the non-exclusive, above-listed documents, I understand that the following non-exclusive fee schedule will apply: \$.25 per page for 8 ½" x 11" copies; \$.25 per page for 8½ x 14" copies; \$0.25 per page for color copies; \$.05 for standard business size envelope; \$.10 for 9 x 12 or 10 x 13 manila envelope; postage is based on actual cost to the Center, or as otherwise provided by law. Payment is required in advance of delivery of any requested records. If more than fifty (50) pages are requested, the Center may require a deposit before making actual copies.

Name/Signature of Requestor: _____

Address:

Phone/Fax/E-Mail: _____

Refund/Additional Payment: _____

EXHIBIT “B”
LOMPOC VALLEY MEDICAL CENTER
PUBLIC RECORDS REQUEST
SCHEDULE OF FEES

Description	Price
Copy Price per Page - Standard Letter Size (8 1/2” x 11”)	\$0.25
Copy Price per Page - Legal Size (8 1/2” X 14”)	\$0.25
Color Copies	\$0.25
Price for Mailing Letter Size Envelope (includes envelope only) Postage is Additional and will be payable based on actual cost to the Center	\$0.05
Price for Mailing 9 x 12 or 12 x 13 size Envelope (includes envelope only) Postage is Additional and will be payable based on actual cost to the Center	\$0.10
Price for Public Records in electronic format, including video and/or audio tapes of Board of Directors meetings, when requested in electronic format, shall be calculated by the CEO in accordance with Government Code section 6253.9, as it may be amended from time to time.	Per Gov. Code § 6253.9
Note: Payment is required in advance of delivery of any requested records.	

EXHIBIT “C”
LOMPOC VALLEY MEDICAL CENTER
REQUESTS FOR INSPECTION OF PUBLIC RECORDS
WAIVER OF REQUIRED FEES

As a means of facilitating and expediting efficient business relationships, and using prudent business judgment, the CEO has the authority to waive fees for local agencies, state agencies, other agencies, news organizations, and individuals.