1. POLICY STATEMENT

First 5 LA shall comply with the California Public Records Act. In addition, First 5 LA chooses to comply with the provisions of California Government Code Sections 34090-34090.7, inclusive, pertaining to the retention of local government records. This Public Records Policy governs public access to the Commission’s records and provides guidelines for record retention. All of the Commission’s records shall be retained in full compliance with this policy and applicable law. All public records are to be open for inspection at the Commission office, as required by law, at all times during regular business office hours. No public record shall be disposed of except in compliance with this policy and applicable law.

2. PURPOSE

This policy sets forth the guidelines and procedures pertaining to the public review, and destruction of records maintained by First 5 LA. Additionally, this policy includes records retention schedules and the state and federal codes and statutes pertaining to record retention.

3. POLICY GUIDELINES

The Public Records Act is a California statute that affords the public the right to inspect and be provided a copy of, most of the written information retained by State and local agencies in the course of business. The Public Records Act regulates the public’s access to records and sets out the specific statutory circumstances under which particular records are open to inspection at all times during the office hours of a local agency.

The Public Records Act applies to every local governmental entity, including First 5 LA. Under the Public Records Act, a “local agency” includes non-profit organizations, and local agencies which are supported solely by public funds.

“Public Records” includes any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any State or local agency regardless of physical form or characteristics.

“Public Records” include computer data (email, instant messages, Word files, etc.), although such data can be provided in a form determined by the agency. It does not include computer software developed by the agency.

Requestors’ rights under the Public Records Act are not unlimited. A local agency is not required to create a document or prepare a list in response to a request made under the...
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Public Records Act. However, First 5 LA staff shall assist requestors in identifying relevant existing public records.

Original Commission records shall remain in the custody of the Commission at all times, ensuring their integrity and accessibility. Review of original Commission files/records by a requestor will be supervised by a Commission employee. If necessary, copies of the original records may be provided upon written request. In all instances, an attempt should be made to have the written request provide specific document identification.

All finance-related documents and data will be retained and maintained by the Finance Department following generally accepted accounting principals and the standards set forth by independent auditors.

All other documents, including agreements and contracts, records for grantees, funded awarded contracts and non-funded grant and contract applicants, solicitation materials, outreach effort documentation, proposals from all bidders, and monitoring documentation shall be retained for a minimum of three (3) years past the later of the termination date of the grant/contract or the date the final audit of the grant/contract is completed. First 5 LA staff shall endeavor to maintain complete files in an easily accessible location to facilitate review of all documents relating to a particular contract or grant.

Applications or proposals that are in the review process are not available to the public. Once grant or contract awards have been awarded by First 5 LA, those applications become public information. Exceptions are in accordance with the exemptions identified in the California Public Records Act.

No original Commission document or file, used in a court case, shall be made a part of the court files. If the court requests a document on file, certified copies of the original records shall be submitted. The exception is only subpoenas, which shall be referred to the Executive Director, or designee, upon receipt, for review by Commission Legal Counsel.

The release of copies of staff reports or other Commission agenda materials is not allowed before the packets have left Commission office for delivery to the Commission members.

Retention, purging, and destruction of records shall be permitted only in compliance with the requirements of the Pubic Records Act and other applicable codes or regulations.

4. APPLICATION

This policy applies to all Commission employees and representatives associated with First 5 LA and, as applicable, to grantees and contractors on a case-by-case basis as determined by counsel.
5. RESPONSIBILITIES

The Chief Administrative Officer or designee will monitor the procedures for this policy and coordinate with Directors as required. Each department will have a single point of contact, responsible for records applicable to the specific department. Each Department’s point of contact will forward all award documentation and non-funded applications, review tools and declination letters to Contract Compliance. The Contract Compliance Department will enter the information into the official Electronic Content Management (ECM) folder.

6. RECORDS SUBJECT TO AND EXEMPT FROM DISCLOSURE

6.1 Subject to Disclosure

Inter-agency drafts, personal notes and records are not public records subject to disclosure, as long as those documents are not customarily retained by First 5 LA in the ordinary course of business. The determination depends on whether a document in draft or note is one which:

1. Is normally kept by the agency in the course of business;
2. Somehow documents or memorializes the day-to-day transactions of the public’s business;
3. Is merely a temporary step in the process, not necessary for complete and accurate public information;

Documents that fit within category 3 above are likely not public records subject to this policy.

6.2 Records Not Subject to Disclosure

The following records are not public and public access is not allowed, unless the:

1. Preliminary inter-agency drafts and notes customarily discarded, stenographic notes, tapes used for transcription of a typed document and then discarded or reused, and interagency or intra-agency memorandum which are not retained in ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosures.

   NOTE: Care should be taken to keep such notes and working papers separate from files containing records that are considered public and to label personal working files as such.

2. Records pertaining to pending litigation to which the Commission is a party or claims made pursuant to Government Code Section 810 et. Seq., until such litigation or claim has been finally adjudicated or otherwise settled.
3. Personnel, medical, or similar files, the disclosure of which would constitute unwarranted invasion of personal privacy.

4. Records of complaints to or investigations conducted by, or records of intelligence information or security procedures of law enforcement.

5. Test questions, scoring keys, and other examination data used to administer examinations for employment.

a. The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by the Commission relative to acquisitions of property, or prospective public supply and construction contracts, until such time as all of the property has been acquired or all of the contract agreements obtained.

6. Records, the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including, but not limited to provisions of the Evidence Code relating to privilege.

7. Communication from Commission Legal Counsel to Commission Personnel consultants or other parties with whom the Commission has a confidential relationship.

8. Any record that is either exempt from disclosure or not a public record under applicable law.

6.3 Public Access to Records

Upon receipt of a written request for a readily identifiable public record, First 5 LA shall follow the procedures set in the Public Records Act with regard to timely responses and access to records.

7. DEFINITION OF RETENTION, PURGE, AND DESTRUCTION

7.1 Records Retention

Each record category (See attachment A) has been evaluated based upon its administrative, operational, fiscal, legal and, historical value to determine appropriate retention period. This evaluation has resulted in the following records retention schedule. For each category the schedule identifies the following:

1. Record Description: identifies the type of record to be retained.
2. Legal Authority: identifies relevant state and federal codes and statues.
3. Retention Period: establishes the period of time which the document must be retained.
The retention period is indicated by alphanumeric codes. The retention codes are used to indicate when the retention period begins and the length of time the record must be maintained. The retention code has two components:

The alpha code represents when the retention period begins:

- Au After Audit
- T Termination of employment or term of contractor grant
- P Permanent
- CD Closing date of document

The numeric code represents the length of time in years that records must be kept after the retention period begins. For example, a retention code of Au+3 means that a record’s retention period begins after completion of the audit and must be kept for three (3) years thereafter. If two alphanumeric codes appear in a category, the LATER of the two applies.

Effective July 1, 2009, the majority of Commission’s public records will be maintained on the agencies Electronic Content Management System. All staff will be trained on a regular basis on how to utilize this system. Key staff will be identified to serve as leads for each department to ensure compliance and quality control.

7.2 Records Purge

In the case of grants, care should be exercised to ensure that records are maintained based on the retention period following completion of the Commission’s audit.

Staff will be trained annually on what records to keep, what notes and materials may be purged and how to keep working papers separate from files available to the public.

Generally, public access is not allowed to the following identified records and unless public interest requires a document’s retention, the document may be purged pursuant to this policy. Documents include: preliminary drafts, messages and notes customarily discarded, stenographic notes, tapes used for transcription of a typed document, and the discarded or reused, and interagency or intra-agency memoranda which are not retained in the ordinary course of business. Care should be taken to keep such notes and working papers separate from the files containing records that are considered retainable and public, and to label working files as such.
7.3 Destruction of Records

Prior to destroying any records, a list will be made of all records that are to be destroyed and approved in writing by this Chief Administrative Officer (CAO) or applicable Department head. This list will be presented to Commission legal counsel who will be asked to review and approve the destruction of the records identified. Once the approval of legal counsel has been obtained, a motion will be brought before the Commission at an open meeting requesting their approval of the request to destroy those records.

The Chief Administrative Officer or designee will coordinate with any department requiring destruction of records to ensure protocol is followed and requisite review and approvals are obtained from Legal Counsel and the Commission.

7.4 Duplicate Records

Pursuant to Government Code Section 34090.7, duplicate records less than two (2) years old may be destroyed if the duplicates are no longer required.
# Public Records Policy and Procedures

<table>
<thead>
<tr>
<th>Record</th>
<th>Office Area</th>
<th>Inactive Area</th>
<th>Total Retention</th>
<th>Legal Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contracts and Grants</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grantee/contract funded or awarded contracts and grants, non-funded grant and contract proposals, bids, applications, review tools, solicitation materials, outreach effort documentation, agreement monitoring documentation, audit reports, administrative files.</td>
<td>1 Year</td>
<td>3 Years</td>
<td>AU +3 / T +3</td>
<td>Government Code Section 34090</td>
</tr>
<tr>
<td><strong>Financial Records</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial Records</td>
<td>AU +1</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>Human Resources</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee Files</td>
<td>T+1 Year</td>
<td>T+4 Years</td>
<td>T+5 Years</td>
<td>45 CFR 1058.6 APPA</td>
</tr>
<tr>
<td>Workers Compensation</td>
<td>T+1 Year</td>
<td>T+4 Years</td>
<td>T+30 Years</td>
<td>29 CFR 1910.20</td>
</tr>
<tr>
<td>Risk Management Claims against Authority</td>
<td>1 Year</td>
<td>5 Years</td>
<td>AU+5 Years</td>
<td>GOV. SEC 34090</td>
</tr>
<tr>
<td>Insurance Benefits</td>
<td>1 Year</td>
<td>3 Years</td>
<td>AU+3 Years</td>
<td>29 CFR 1627.3 (b)(2)</td>
</tr>
<tr>
<td>Applicants</td>
<td>CD+1 Year</td>
<td>CD+4 Years</td>
<td>CD+5 Years</td>
<td>29 CFR 30.8</td>
</tr>
<tr>
<td>Employee Discipline</td>
<td>T+1 Year</td>
<td>T+2 Years</td>
<td>T+3 Years</td>
<td>GOV. Sec. 34090</td>
</tr>
<tr>
<td>Discrimination Complaint</td>
<td>T+1 Year</td>
<td>3 Years</td>
<td>AU+4 Years</td>
<td>GOV. Sec. 34090</td>
</tr>
<tr>
<td>General Correspondence and Other Records</td>
<td>1 Year</td>
<td>3 Years</td>
<td>AU+3 Years</td>
<td>GOV. Sec. 34090</td>
</tr>
<tr>
<td>Payroll Records</td>
<td>AU +1</td>
<td>P</td>
<td>P</td>
<td>Government Code Section 34090</td>
</tr>
<tr>
<td>Comprehensive Annual Financial Reports; Audit Reports</td>
<td>AU +1</td>
<td>P</td>
<td>P</td>
<td>Government Code Section 34090, audit standards</td>
</tr>
<tr>
<td><strong>Official Commission Records</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meeting Agendas and Minutes</td>
<td>2 Years</td>
<td>P</td>
<td>P</td>
<td>Government Code Section 34090</td>
</tr>
<tr>
<td>Resolutions</td>
<td>2 Years</td>
<td>P</td>
<td>P</td>
<td>Government Code Section 34090</td>
</tr>
<tr>
<td>Correspondence</td>
<td>1 Year</td>
<td>1 Year</td>
<td>2 Years</td>
<td>Government Code Section 34090</td>
</tr>
</tbody>
</table>

**Legend:**

AU - After Audit
T - Termination of employment or term of document
P - Permanent