

 <b>MORONGO BASIN HEALTHCARE DISTRICT</b>	<b>DEPARTMENT / MANUAL: ADMINISTRATIVE MANUAL</b>
ORIGINAL DATE: JULY 2019	REVIEW & REVISION DATES: 8/2022
TITLE: <b>PUBLIC RECORDS REQUEST</b>	APPROVED BY: ADMIN: <u><i>Amy Haley</i></u> Date: <u>08/04/2022</u> CEO: <u><i>E. Schnell</i></u> Date: <u>8/4/22</u> GOVERNING BOARD: <u><i>Misty Daw En</i></u> Date: <u>9-1-2022</u>

**PURPOSE**

To provide reasonable accessibility to public records within the domain of the Hi-Desert Memorial Health Care District (dba Morongo Basin Healthcare District, hereafter "District") except for those records that are exempt from disclosure by express provision of law or are considered confidential or privileged under the law.

**POLICY**

District staff will respond to requests for public records in accordance with the California Public Records Act (Government Code 6253 *et seq.*).

**PROCEDURE**

## 1. Request for Public Records

- A. Requests for public records may be requested by emailing the Board Clerk or by submitting the "Request for Public Records Form." The contact information can be found on the District's website at MBHDistrict.org / Board Transparency.
- B. In routine situations the District has ten days from the date of receipt of the request to determine if the requested record(s) is subject to disclosure and to notify the requesting member of the public of the record's availability for review. An inspection of public records can be requested and scheduled during District office business hours.
- C. For the convenience of public members, minutes of regular and special Board of Director meetings are available on the District's website at MBHDistrict.org / MinutesMBHD.

## 2. Fees

- A. If paper copies of multiple pages or multiple electronic records are requested, the District can require the advance payment of a fee to cover the direct cost of making the copies.
- B. Generally, under the Public Records Act the District and all public entities are expected to reasonably assist and cooperate with members of the public, responding to requests for inspection of records and copying of public records.

3. Records not open for inspection

- A. There are a number of important exceptions to the records subject to disclosure under the Public Record Act. If the District determines that a record is not subject to disclosure under the Public Records Act, the District shall inform the requestor of the applicable exemption and who made the decision not to disclose the record or portion of the record. Below is a non-exhaustive list of exceptions to the Public Records Act:
- 1) Records of disclosure that are exempted or prohibited pursuant to federal or state law, including, but not limited to provisions of the Evidence Code of California relating to privilege. Privileges are conditionally provided for all communications between lawyer and client, physician and patient, and psychotherapist and patient.
  - 2) Confidential records relating to trade secrets of the District. Trade secrets are of unique value to the District, are important to the functioning of District plans and are considered to be confidential records.
  - 3) Records pertaining to pending litigation to which the District is a party, or to claims made pursuant to Division 3.6 of Title 1 of the Government Code of California, until such litigation or claim has been finally adjudicated or otherwise settled; records in the custody of or maintained by legal counsel to the District.
  - 4) Preliminary drafts of documents, notes, or intra-district or other memoranda between districts, department of the District, and/or other agencies, which are not retained by the District in the ordinary course of business, and provided that the public interest in withholding such records outweighs the public interest in disclosure.
  - 5) Personnel, medical, or similar files of non-clients, the disclosure of which would constitute an unwarranted invasion of personal privacy of the individual or individuals concerned.
  - 6) Records of complaints or investigations conducted by, or investigatory or security files compiled by the District for correctional, law enforcement, or licensing purposes.
  - 7) Contents of real estate appraisals, engineering or feasibility estimates, and evaluations made for or by the District relative to the acquisition of property, or to prospective public supply and construction contracts, until such time as all of the property has been acquired and all contract agreement obtained.
  - 8) Records to state agencies related to activities governed by Division 9 of the Welfare and Institutions Code, pertaining to Medi-Cal provider contracting, which reveals the special negotiator's deliberative processes, discussion, communication or any other portion of the negotiations with providers of healthcare services, impressions, portion of the negotiations with providers of healthcare services, impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy, or that provide instruction, advice or training to employees.
  - 9) Statement of personal worth or personal financial data required by any licensing agency and filed by an applicant with the licensing agency to establish his or her personal qualifications for the license, certificate or permit applied for.

- 10) An information security record of District, if, on the facts of the particular case, disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of the District.
  - 11) Computer software developed by the District is not, in itself a public record. The District may sell, lease, or license the software for commercial or noncommercial use. Any computer software that might be developed by the District is entitled to copyright protection and need not be disclosed as a public record. However, information stored in a computer does not necessarily become confidential because of this Section.
  - 12) Any other records of the District that are not required to be disclosed pursuant to the California Public Records Act or other applicable statute as such statutes may be amended from time to time.
- B. In case of any question as to the accessibility of the record of the District, records should not be made accessible to the public until such question has been determined by the Chief Executive Office of the District. The decision of such office is final unless overruled by the Board of Directors.
- C. Questions regarding whether records may be appropriately privileged, confidential, or otherwise not subject to disclosure should be discussed with District legal counsel.