

CHAPTER 2 PUBLIC RECORDS

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ARTICLE 1 GENERAL

Section

[12.10](#) Right of Inspection.

Sec. 12.10. Right of Inspection.

Public records are open to inspection at all times during regular office hours of the City departments and every person has a right to inspect any public records, except as hereinafter provided. The head of every department may adopt rules establishing procedures to implement this chapter.

SECTION HISTORY

Added by Ord. No. 144,409, Eff. 3-22-73.

ARTICLE 2 DISCLOSURE AND NON-DISCLOSURE OF PUBLIC RECORDS

Section

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Sec. 12.21. Exceptions.

Nothing in this chapter shall be construed to require disclosure of records that are:

- (a) Preliminary drafts, notes, or interdepartmental, intradepartmental and interagency memoranda which are not retained by the office concerned in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure;
 - (b) Records pertaining to pending litigation to which the City 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 litigation or claim has been finally adjudicated or otherwise settled;
 - (c) Personnel, medical, hospital or similar records, the disclosure of which would constitute an unwarranted invasion of personal privacy;
 - (d) Trade secrets;
 - (e) 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;
 - (f) Records of complaints to or investigations conducted by the Police Department or the Inspector General of the Police Commission or records of intelligence information or security procedures of the Police Department, or any other City department, or any such investigatory or security files compiled by any other State or local agency for correctional, law enforcement or licensing purposes.
- (1) Notwithstanding the foregoing provisions of this subsection, records of intelligence information compiled, collected, maintained or used by the Public Disorder Intelligence Division of the Police Department, and records of intelligence information compiled, collected, maintained or used by any other division, office, section, or any

other such unit of the Police Department which pertain to any of the functions of the Public Disorder Intelligence Division as comprised on January 1, 1983, and subsequently transferred to such division, office, section, or other such unit, other than records which pertain to the protection of visiting dignitaries and records which pertain to the investigation of prison gangs, shall be subject to disclosure, but only to the extent that disclosure of such records would not:

- A. Interfere with an ongoing investigation or enforcement proceeding;
- B. Deprive a person of the right to a fair trial or an impartial adjudication;
- C. Constitute a unwarranted invasion of personal privacy;
- D. Disclose the identity of a confidential source or confidential information furnished only by a confidential source and which pertains to a criminal investigation;
- E. Disclose security plans or procedures or investigative techniques or procedures; or
- F. Endanger the life or physical safety of any person.

(2) For the purposes of Subdivision (1) of this subsection, "**intelligence information**" means any information compiled collected, maintained or used for the purpose of investigating suspected or alleged criminal activities or to prevent a crime and associated with an identifiable individual or group whether or not such information relates to a current investigation.

(3) Nothing contained in this Subsection (f) shall be construed to require disclosure of confidential information provided in confidence by any government law enforcement agency for law enforcement purposes to any City department and which that governmental agency would not be required to disclose under the laws which apply to it.

(4) Nothing contained in this Subsection (f) shall be construed to require the specification of each or any exemption under which records or portions of records are withheld.

(g) Test questions, scoring keys, interview tapes, and other examination information used to administer a licensing examination, examination for employment, or academic examination;

(h) Information submitted in connection with wage, salary, and fringe benefit surveys which is received in confidence;

(i) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by the City, 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 or all of the contract agreement obtained;

(j) 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;

(k) Library and museum materials made or acquired and presented solely for reference or exhibition purposes;

(l) 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;

(m) Any public records which are exempted from public inspection by other ordinances and statutes; and

(n) Statements of personal worth or personal financial data filed by an applicant with the City to establish his personal qualification for appointment or for a license, certificate, or permit.

(o) Any record where, on the facts of the particular case, the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record. For purposes of this section, the phrase "**public interest served by not making the record public**", shall include but not be limited to factors affecting public health, safety and welfare, but when applied to the types of records which are subject to disclosure pursuant to Subdivision (1) of Subsection (f) of this section it shall not include considerations of expense or of administrative burden in making the records or portions thereof which are subject to disclosure available.

SECTION HISTORY

Added by Ord. No. 144,409, Eff. 3-22-73.

Amended by: Subsec. (f), Subsec. (o), Ord. No. 158,139*, Eff. 8-21-83; Subsec. (f), Ord. No. 172,466, Eff. 3-28-99.

* "Freedom of Information Ordinance of 1983."

Sec. 12.22. Transferred Documents.

(a) In the instance in which a requested record has been temporarily transferred from the office of the primary custodian to the subcustody of another office in the City, the requester shall be notified of its whereabouts, and the record shall be open to inspection to the public at the subcustody office in the same manner and to the same extent to which it would have been open in the office of primary custody. However, in each instance in which a record that is in subcustody is requested by the public, the subcustodian shall clear with the primary except in those instances where prior automatic approval has been granted by the primary custodian.

SECTION HISTORY

Added by Ord. No. 144,409, Eff. 3-22-73.

Sec. 12.23. Facilities.

Each department shall have a suitable location where the public may inspect records or microfilm copies of records during normal business hours.

SECTION HISTORY

Added by Ord. No. 144,409, Eff. 3-22-73.

Sec. 12.24. Jurisdiction of Original Records.

The original records shall not leave the custody of the office concerned when being used by a member of the public.

SECTION HISTORY

Added by 144,409, Eff. 3-22-73.

Sec. 12.25. Form of Records Provided.

Records shall be made available in their original form or by a true and correct copy thereof. Audio, photographic and computer data, or any other such records, shall be provided in a form determined by the department and shall be a true, correct and complete reproduction thereof. Any reasonable segregable portion of a record shall be provided after deletion of portions which are deemed exempt under Sec. [12.21](#) or under any other provision of law.

SECTION HISTORY

Added by Ord. No. 158,139*, Eff. 8-21-83.

* "Freedom of Information Ordinance of 1983."

Sec. 12.26. Review by Head of Department.

Upon the written request of any person seeking to inspect any public records whose request for such inspection has been denied by a department, the head of that department shall review the request for inspection and the denial and the grounds therefor and shall make its own decision as to whether or not such inspection will be granted. Written notice of the decision by the head of the department shall be provided to the person seeking to inspect the records within thirty (30) days after receipt of the written request. Nothing contained herein shall be construed to require the Department head to specify the exemption used to withhold any or all of the requested records or portions of records.

SECTION HISTORY

Added by Ord. No. 158,139*, Eff. 8-21-83.

* "Freedom of Information Ordinance of 1983."

Sec. 12.27. Enforcement Procedures.

The procedures to enforce the right to inspect or to receive a copy of any public record shall be those specified in Cal. Gov. Code Secs. 6258 and 6259.

SECTION HISTORY

Added by Ord. No. 158,139*, Eff. 8-21-83.

* "Freedom of Information Ordinance of 1983."

ARTICLE 3

COPIES OF PUBLIC RECORDS

Section

[12.30](#) Entitlement to Copies.

[12.31](#) Request for Copies.

[12.32](#) Requests by Mail, Telephone, Fax and Computer Link.

[12.33](#) Computer, Magnetic and Photograph Data.

Sec. 12.30. Entitlement to Copies.

Any person may receive a copy of an identifiable public record, unless it is not subject to disclosure. Upon request, an exact copy shall be provided unless impracticable to do so. Computer data shall be provided in a form determined by the custodian thereof.

SECTION HISTORY

Added by Ord. No. 143,509, Eff. 7-29-72.

Sec. 12.31. Request for Copies.

A request for a copy of an identifiable public record or information produced therefrom, or a certified copy of such record shall be accompanied by payment of the fee prescribed in [Article 4](#).

SECTION HISTORY

Added by Ord. No. 143,509, Eff. 7-29-72.

Sec. 12.32. Requests By Mail, Telephone, Fax and Computer Link.

(a) Mail requests for copies or information are subject to all fees instituted under [Article 4](#), plus postage.

(b) Departments may, at their discretion, provide service options to individuals requesting information:

1. Which may be obtained from identifiable public records subject to disclosure,
2. Which may require a City employee to engage in time-consuming research to provide the information, and
3. When such individual desires to have the information transmitted electronically through a variety of technological applications, or over the telephone, rather than appearing in person to perform the research by examination of such records.

These service options shall be provided for the payment of a fee prescribed in [Article 4](#) and set pursuant to the procedures established in Sections [22.356](#) and [22.357](#) of the Los Angeles Administrative Code.

(c) Implementation of technological applications shall not deprive any requestor of the right to appear in person to perform the research by examination of such records during normal business hours.

SECTION HISTORY

Added by Ord. No. 143,509, Eff. 7-29-72,
Amended by: Title and Subsec. (b), Ord. No. 168,593, Eff. 3-21-93; Subsec. (c) added,
Ord. No. 168,593, Eff. 3-21-93.

Sec. 12.33. Computer, Magnetic and Photograph Data.

Audio and photographic records and computer data contained in discs, drums, magnetic tapes, or punched cards, and other paper or magnetic tape need not be

produced again mechanically, photographically, or electronically for public inspection or copying if an exact duplication of the record already exists and is available in printed, photographic or other retrieved form.

SECTION HISTORY

Added by Ord. No. 143,509, Eff. 7-29-72.

ARTICLE 4 FEES AND CHARGES

Section

[12.40](#) Fees.

[12.41](#) Exemptions.

Sec. 12.40. Fees.

- (a) No charge will be made for inspection of any public record.
- (b) The charge for copying public record pages of 8-1/2 x 14 inches or less shall be as follows: \$.10 per page. The number of reproductions to be made by the City shall be limited to one copy of each page requested.
- (c) Charges for copies of records larger than 8 1/2 x 14 inches shall reflect only the costs required to copy the record document. These costs will be determined by the department or office having custody of the record.
- (d) Charges for duplication of any records contained on photographic films or prints, discs, drums, magnetic tapes or punched cards will be based on direct cost factors established by the department or office having custody.
- (e) For copies of records involved in litigation, in which neither the City, nor any department thereof, is a party, in addition to the charges set forth in (b), (c) and (d) herein, commencing after the first hour which shall be at no charge, the party requesting the records shall pay a fee of \$16 per hour, computed on the basis of \$4 per 1/4 hour, or

fraction thereof, for the clerical cost incurred in locating and making the records available.

(f) Charges for copies of records 8-1/2 x 14 inches or less, which are faxed upon request of the recipient by accessing a 900 telephone number fax service option, shall be as follows:

Standard documents 1 - 4 pages \$ 7.00

Standard documents 5 - 9 pages \$12.00

Standard documents 10 - 15 pages \$15.00

(Documents in excess of 15 pages will be mailed).

(g) Charges for telephonic 900 number custom research information services provided in lieu of the requestor appearing in person to perform the research shall be \$25.

(h) The charge for telephonic "**900**" number access to Department of Transportation traffic data shall be \$5.00 for the first minute and \$0.75 per minute thereafter.

SECTION HISTORY

Added by Ord. No. 143,509, Eff. 7-29-72.

Amended by: Subsec. (b), Ord. No. 158,563, Eff. 1-16-84; Subsec. (e) added, Ord. 168,536 Eff. 3-5-93; Subsecs. (f) and (g) added, Ord. No. 168,593, Eff. 3-21-93; Subsec. (h) added, Ord. No. 170,252, Eff. 2-23-95; Subsec. (b), Ord. No. 177,847, Eff. 9-29-06.

Sec. 12.41. Exemptions.

No agency or officer of the Federal Government, State, county or any district shall be required to pay a fee or a copy of a public record as described in this chapter when such copy is used for official purposes.

SECTION HISTORY

Added by Ord. No. 143,509, Eff. 7-29-72.

ARTICLE 5

COLLECTION OF STATISTICAL DATA BY CENSUS TRACT

Section

[12.42](#) Definitions.

[12.43](#) Responsibilities.

[12.44](#) Procedure.

Sec. 12.42. Definitions.

(a) **Documents.** Any record, paper, document, form, archive map, book or drawing containing a geographic designator which is created or maintained in the conduct of City business and preserved as evidence of its organization, functions, policies, decisions, procedures, operations or other activities or because of the informational value of the data contained therein.

(b) **Geographic Designator.** A reference contained in any document to a geographic location or to a clearly defined geographic area within the City.

(c) **Correspondence Table.** A table to convert geographic designators to census tract locations.

SECTION HISTORY

Added by Ord. No. 148,729, Eff. 9-25-76.

Sec. 12.43. Responsibilities.

(a) The Information Technology Department, in consultation with the Director of the Office of Administrative and Research Services, shall develop procedures for encoding information received by it pursuant to the provisions of this article and for converting geographic designators contained on said documents to census tract locations.

(b) The various City departments, in consultation with the Director of the Office of Administrative and Research Services, shall develop correspondence tables to permit the

inscribing of census tract locations by departmental personnel on all documents where the geographic designator or designators contained therein are of such a nature as to preclude conversion to census tract locations by the Information Technology Department.

(c) The Director of the Office of Administrative and Research Services shall determine guidelines for the identification and processing of documents under this ordinance and shall publish guidelines or procedures for the processing and storage of resultant data.

SECTION HISTORY

Added by Ord. No. 148,729, Eff. 9-25-76.

Amended by: Subsecs. (a), (b), Ord. No. 160,561, Eff 1-9-86; "Information Technology Department" inserted, "Department of Information Services" deleted, Ord. No. 170,600, Eff. 8-11-95; Ord. No. 173,288, Eff. 6-26-00, Oper. 7-1-00.

Sec. 12.44. Procedure.

(a) Pursuant to guidelines determined by the Director of the Office of Administrative and Research Services, every document or a copy shall be forwarded to the Information Technology Department for processing.

(b) Where required, the letters "**CT**" and the census tract location shall be inscribed upon the upper right hand corner of the face sheet of the document, prior to forwarding to the Information Technology Department.

SECTION HISTORY

Added by Ord. No. 148,729, Eff. 9-25-76.

Amended by: Subsecs. (a), (b), Ord. No. 160,551, Eff 1-9-86; "Information Technology Department" inserted, "Department of Information Services" deleted, Ord. No. 170,600, Eff. 8-11-95; Subsec. (a), Ord. No. 173,288, Eff. 6-26-00, Oper. 7-1-00.