

# AGENDA ITEM

142 NOVEMBER 20 2015

**DATE:** November 18, 2015

**TO:** Members, Board Committee on Planning and Budget  
Members, Board of Trustees

**FROM:** Vanessa Holton, General Counsel  
Dina Goldman, Acting Chief Assistant General Counsel

**SUBJECT:** Compliance with California Public Records Act (CPRA) – Fee Schedule for Records Request (Title 7 and Appendix A)

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## EXECUTIVE SUMMARY

Under the provisions of the recently enacted fee bill, the State Bar will be required to comply with the California Public Records Act ("CPRA"), effective January 1, 2016. Under CPRA, the State Bar may charge the direct cost of duplicating records. This item presents a revision to the Schedule of Charges and Deadlines to authorize a charge of 10 cents per page as the cost to duplicate records under CPRA.

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## BACKGROUND

Senate Bill No. 387, approved by the Governor and chaptered by the Secretary of State on October 6, 2015, at Chapter 537, Statutes of 2015, ("SB 387") will subject the State Bar to the requirements of the California Public Records Act, commencing January 1, 2016. Under CPRA, the Bar may charge the direct cost of duplicating records requested, which has been interpreted to include staff time in operating the copy equipment. Cal. Govt. Code §6253(b). However, "direct cost" does not mean actual cost and it does not include the ancillary tasks necessarily associated with the retrieval, inspection and handling of the file from which the copy is extracted. *North County Parents Organization v. Department of Education*, 23 Cal. App. 4th 144, 148 (1994).

## DISCUSSION

This item seeks Board approval for an addition to the Statement of Charges and Deadlines indicating that the Bar will charge 10 cents per page for the cost to duplicate or scan records to respond to CPRA requests. Ten cents is the amount charged by the Attorney General's office and the Department of Consumer Affairs for copies pursuant to CPRA requests. During the first year of CPRA compliance, the Bar will monitor costs associated with copying for CPRA requests to determine whether 10 cents per copy is a sufficient amount and recommend any adjustment, if needed, for the following year.

## **FISCAL/PERSONNEL IMPACT**

N/A

## **RULE AMENDMENTS**

**Amendment to Schedule of Charges and Deadlines**

## **BOARD BOOK IMPACT**

N/A

## **BOARD COMMITTEE RECOMMENDATIONS**

The Planning and Budget Committee recommends that the Board of Trustees approve the following resolution:

**RESOLVED**, that the Board of Trustees hereby adopts an amendment to the Schedule of Charges and Deadlines setting a charge of 10 cents per page for copies and scanning related to compliance with the California Public Records Act.