



Public Records Requests Appeals Process

General. The California Public Records Act (CPRA) and the City of San Jose Ordinance No. 29460 provide for public access to state and local government records and information with some exceptions. Those exceptions include:

- Records relating to pending litigation;
- Attorney-client privilege;
- Personnel records, medical information, or other records the disclosure of which would constitute an unwarranted invasion of personal privacy;
- Corporate financial and proprietary information, including trade secrets; and
- Records protected by State or Federal law.
- Records for which the public interest in non-disclosure clearly outweighs the public interest in disclosure.

Requests for records falling into these categories may be withheld from disclosure by the City. Records containing a mix of information that must be disclosed and information that is exempt from disclosure must be redacted or otherwise segregated so that the nonexempt portion of requested public information may be made available. City staff who withhold records from disclosure must provide a written justification for the withholding, including citations of applicable statutes.

Appeals Options. Requestors who believe that records have been inappropriately withheld from disclosure by a City department may resort to the City's appeal process for public records requests. A requestor has a number of options available as follows:

- The requestor may appeal to the City Public Records Manager.
- The requestor may appeal to the City Council Rules and Open Government Committee either before or after an appeal to the City Public Records Manager by contacting the Office of the City Clerk.
- Should the response of the Rules and Open Government Committee be unacceptable to the requestor, he or she may appeal to the Elections and Open Government Committee or directly to the City Council by contacting the Office of the City Clerk.

- Should the response of the Elections and Open Government Commission be unacceptable to the requestor, he or she may appeal to the City Council by contacting the Office of the City Clerk
- The requestor may file an appeal with the Santa Clara County Superior Court at any time before, during, or after resorting to any other option listed here.

Contact Information. Contact information for the Open Government Manager and the Office of the City Clerk is as follows:

Open Government Manager
Office of the City Manager
200 E. Santa Clara Street
San Jose, CA 95113
Tamara.Becker@sanjoseca.gov
(408) 535-8120

Office of the City Clerk
200 E. Santa Clara Street
San Jose, CA 95113
cityclerk@sanjoseca.gov
(408) 535-1260