



# VENTURA COUNTY FIRE PROTECTION DISTRICT GUIDE TO PUBLIC RECORDS

(EFFECTIVE 11/04/2025)

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## Introduction

The California Public Records Act (PRA), Government Code §§ 7921.000 et seq., is the State of California's equivalent to the Federal Government's Freedom of Information Act. The Legislature declared that access to information concerning the conduct of the public's business is a fundamental and necessary right of every person in the State. Courts interpreting the PRA have emphasized that its primary purpose is to give the public an opportunity to monitor the functioning of government.

Privacy is also a constitutional right and a fundamental interest recognized under the PRA. There are numerous state and federal statutes that protect specific types of information.

The Ventura County Fire Protection District (District) is committed to providing the public full access to its records under the PRA while ensuring compliance with all applicable privacy laws. The purpose of this guide is to ensure that members of the public receive prompt, accurate, and thorough responses to their requests for District records.

## **"Public Record" under PRA**

Almost every document in the possession of the District is a public record under the PRA. Some public records are, however, exempt from disclosure. Only purely personal information unrelated to the conduct of the public's business would not be considered a public record.

Under Government Code § 7920.530, a "public record" is broadly defined as *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.*"

A "writing" includes *any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, or any other means of recording information*, regardless of how the record is stored.

Records will be provided in the form in which they exist at the District. The District is not required to create new records or respond to prospective or speculative requests.

## **Protected Health Information**

Because the District provides pre-hospital medical care, it is subject to both the federal Health Insurance Portability and Accountability Act (HIPAA) and California's Confidentiality of Medical Information Act (CMIA). Protected health



information (PHI) generated by the District will not be released without a properly completed Authorization for Use and Disclosure of Protected Health Information and Records form, or a valid subpoena or court order accompanied by proof of service and/or a Notice to Consumer.

Disclosure of PHI to law enforcement is permitted under HIPAA and CMIA when the patient is a minor or dependent adult and one of the following applies:

- Written consent has been signed by the legal representative of the minor or dependent adult;
- The officer presents a search warrant;
- The officer presents a subpoena with proof of notice to the legal representative; or
- The officer believes disclosure is necessary to prevent serious harm to the minor, dependent adult, or others, and that waiting for consent would materially and adversely affect an immediate enforcement activity.

## **Exempt Records**

The PRA lists specific exemptions from disclosure (Gov. Code § 7927 et seq.).

Common exemptions include:

- Preliminary drafts, notes, or interagency or intra-agency memoranda that Preliminary drafts, notes, or interagency or intra-agency memoranda not retained by the District in the normal course of business, if the public interest in withholding clearly outweighs the public interest in disclosure.
- Attorney–client privileged communications.
- Records pertaining to pending litigation to which the District is a party.
- Records whose disclosure is prohibited by federal or state law (e.g., HIPAA, CMIA, or copyright restrictions on architectural plans).
- Records where the public interest in withholding disclosure clearly outweighs the interest in disclosure.

If a responsive record contains both exempt and non-exempt material, the Custodian of Records will redact the exempt portions and release the remainder, accompanied by written notice stating the reason for redaction and the name and title of the authorizing official.

## **PRA Request Requires Prompt Action**

The District must act promptly when responding to PRA requests:

- Within 10 calendar days of receiving a request at District Headquarters, the District will provide records that are routinely available.
- The response period may be extended by up to 14 additional calendar days in specific circumstances, including when:



- a) A voluminous number of records must be located and reviewed;
  - b) The requested records are stored off-site;
  - c) Consultation is required with another agency or County department;
  - d) Data must be compiled or extracted from computer systems.
- Requests for a copy of 911 audio may take up to 10 days to process.
  - If additional time is required, the Custodian of Records will notify the requester in writing within the initial 10-day period, stating the reason for the extension and an estimated completion date.

In some cases, the request for a record is premature to the record's existence. If this situation occurs, the District's Custodian of Records office within the 10-day period will return the requester's request form along with any payment and advise the requester that the record does not yet exist and recommend a waiting period before resubmitting the request. Two examples of this follow:

- A Fire Investigation Report may not be completed until many weeks or months after a fire.
- A significant Wildland Fire incident will result in the generation, collection, and storage of voluminous information specific to the incident. The information flows that will eventually create a record may take many weeks beyond the incident and arrive piecemeal from many sources. When all documentation has been collected and assembled, the record will be considered complete and available to the public upon request.

## **Requesting Public Records from the District**

Requests for records may be oral, in writing, or utilizing the electronic request forms on the District's website under Public Records. Requests are received by the Custodian of Records office at Fire District Headquarters located at 2400 Conejo Spectrum Street, Thousand Oaks, CA 91320. The requester does not have to provide a reason for the request. Additionally, the requester may remain anonymous, but it may be beneficial to an effective and efficient search to have contact information. To the extent reasonable under the circumstances, the Custodian of Records office will assist the public to make a focused and effective request that reasonably describes an identifiable record or records. The District's Custodian of Records office will accomplish this by doing the following:

- Assisting the member of the public to identify records and information that are responsive to the request or to the purpose of the request.
- Assisting the member of the public in clarifying the scope of the request.
- Describing the information technology and physical location in which the records exist.
- The Custodian will provide suggestions for overcoming any practical basis for denying access to the records or information sought.



If, after reasonable efforts to obtain clarification, the Custodian of Records cannot identify the requested records, the Custodian will notify the requester in writing that no records were found and that the duty to assist has been fulfilled.

Records that contain protected health information will require the completion of the District's form, Authorization for Use & Disclosure of Protected Health Information and Records, or the records will be redacted prior to release. Records that are redacted will be accompanied by written notice from the Custodian providing the reason for redaction and the name and title of the individual who authorized the redaction.

To assist the public, the District has created specific record request forms for the most common requests, all of which are available at the Fire District Headquarters public counter, downloaded from the District's webpage ([vcfd.org/public-records](http://vcfd.org/public-records)), or upon request to the Fire District's Custodian of Records office. The forms may be provided in person or by email or U.S. mail.

The Custodian of Records Office may be contacted by phone at (805) 388-4718 or email at [FirePublicRecords@venturacounty.gov](mailto:FirePublicRecords@venturacounty.gov).

## **Inspection of Records**

With limited exceptions relating to the gathering of voluminous or hard-to-find records, or segregating out those records or parts of records that are exempt from disclosure, public records are open to inspection during normal office hours of District Headquarters which are 8 a.m.–11 a.m. and 1 p.m.–4:30 p.m., Monday–Friday, except holidays. The right of the public to inspect, however, is subject to an implied rule of reason that enables the Custodian of Records for the District to formulate regulations necessary to protect the safety of the records against theft, mutilation, or accidental damage; to prevent inspection from interfering with the orderly function of the office and its employees; and generally to avoid chaos in the record archives.

To make the most efficient use of the public's time, it is suggested that the requester contact the District's Custodian of Records office to set up a time and place for record inspection by calling (805) 388-4718.

During inspection, the requester may request copies of records. Depending on the quantity of the records to be copied, the Custodian may require up to 10 calendar days to complete the copy process. A fee for copies may be applied (see Fees section below).

Records that in part are exempt and would require redaction will not be provided for inspection. The requester may instead choose to be provided with redacted copies and to pay any associated fee for the copies.



## **Fees**

The District does not charge for the search for records. The District may recover a charge for providing printed copies of records at the current per page copy rate (\$0.035 per page for black and white and \$0.105 per page for color copies) or to recover the actual cost of providing electronic records on data storage devices (e.g., the actual cost of a thumb drive that is provided to the requester containing the electronic records) and the actual mailing cost. Additionally, the District may recover fees for staff time and costs to produce a record when computer programming is necessary to compile or extract data, or special programming is needed to run a specific report in response to a request. If the total cost for the request is \$10.00 or less, the District will not charge. If allowable costs to respond to a PRA request exceeds \$10.00, the District will charge the total recoverable cost in full. Prior to fulfilling a request that requires a recoverable cost, the Custodian will consult with the requester. The Custodian may require the deposit of the estimated fees in advance of producing responsive records.

## **How Records Will Be Provided**

District records are generally in digital form and can be provided via email, CD, or thumb drive. Physical records that are standard letter or legal size may be mailed (U.S. mail) or picked up at District Headquarters at the option of the requester (see Fees section above for possible associated fees).

## **Abandoned Requests**

The District will retain responsive records for 30 calendar days following its written response. A requesting party who is unable to inspect the records or collect copies within the 30-day period may contact the District's Custodian of Records office to make arrangements to inspect or collect the copies at a later date. After the 30-day period, however, if the requesting party has not made such arrangements with the Custodian of Records office, the District will return the records to their appropriate files or storage. After that time the requester will need to submit a new request to obtain the records.

## **Denial of Records**

When a record is exempt and its disclosure is denied, the District will contact County Counsel for further review and direction. If the denial of disclosure of the record is sustained, the Custodian of Records will log the denial on its PRA request log and provide a summary of the denial to the Fire Chief and the County Executive Office.