



HAMILTON UNIFIED SCHOOL DISTRICT

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Jeremy Powell, Ed. D.
Superintendent

July 13, 2020

VIA EMAIL

Nicholas Hoover
3817 Azure Lane
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Re: California Public Records Request

This letter is in response to your “open records request” (“Request”) to the Hamilton Unified School District (“District”) dated June 29, 2020. The District interprets your Request to be made under the California Public Records Act (“CPRA”), and will respond to it as such. If our understanding is incorrect, please let us know.

As an initial matter, please note that the District is currently closed, with many District staff teleworking from home, due to the ongoing COVID-19 crisis and pursuant to both the California state-wide and Glenn County shelter-in-place orders, which may result in delays in the District’s ability to locate and compile disclosable and non-exempt public records responsive to your request. Thank you in advance for your patience and understanding.

In accordance with California Government Code section 6253.1, the District understands you are requesting a document with the following information and records, preferably in an Excel spreadsheet format:

- Names, positions, school they work at (if possible) and District email addresses of all employees of the District that work on a campus.

Please notify us if we have misunderstood your Request.

In general, please be advised that only those documents that meet the definitions contained in the CPRA and which are not otherwise exempt from disclosure will be produced. (Gov. Code, §§6252-6255.) In general, the following records, among others, are exempt from disclosure: (1) Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business (Gov. Code, §6254, subd. (a)); (2) Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to the official information privilege, as well as confidential information (Gov. Code, §6254,

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subd. (k); Evid. Code, §§1040 & 1060); (3) Records exempt from disclosure under the deliberative process privilege, work product, or attorney-client privilege, or the public interest exemption (Gov. Code, §6255; Evid. Code, §950, *et seq.*; *Citizens for Open Gov. v. City of Lodi* (2012) 205 Cal.App.4th 296, 305); (4) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (Gov. Code, §6254, subd. (c)); (5) employee's private contact information (Gov. Code, §6254.3); and (6) any other records exempt from disclosure under Government Code section 6254, *et seq.*, or other applicable law.

Upon reviewing your request, the District has made a good faith effort to determine whether, and to what extent, your request seeks disclosable, non-exempt public records under the CPRA. Without waiving the full scope of any objections that may apply to your Request, information related to employee names, positions, school site locations, and emails is available on the District's website at: <https://www.husdschools.org/>.

To the extent your Request seeks one Excel spreadsheet with all of the above information organized as requested, the CPRA only requires production of records which exist at the time of the request, and the District is not required to create records in order to respond to CPRA requests. (Gov. Code, §§ 6252 & 6253; *Sander v. State Bar of California* (2018) 26 Cal.App.5th 651; see also *Haynie v. Super. Ct.* (2001) 26 Cal.4th 1061.) Accordingly, to the extent this Request is seeking an existing document which includes all of the requested information, no such record exists. To the extent you are requesting the District to create such a document, this request is outside the scope of the CPRA.

This concludes the District's response to your CPRA request. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Tiffany Wilhelm
District Executive Assistant
Hamilton Unified School District