

Orange County Human Relations Commission

A g e n d a R e v i s i o n s a n d S u p p l e m e n t a l s

December 14, 2017

THE FOLLOWING AGENDA ITEMS HAVE HAD CHANGES TO THEIR RECOMMENDED ACTIONS SINCE RELEASE OF THE AGENDA TO THE PUBLIC:

Items: None

S u p p l e m e n t a l I t e m (s)

6. Receive and file information regarding new County policy for restrictions on use of private devices and accounts for County business

October 2017



OCCR BOARDS, COMMITTEE & COMMISSIONS NOTICE

New County Policy

9/11/17

Restrictions on Use of Private Devices and Accounts for County Business

Background

In March 2017 California Supreme Court ruled that public records on privately owned devices (cellphones, tablets, laptops etc.) or privately owned accounts (e-mail) are subject to disclosure under the California Public Records Act (PRA).

Orange County implemented the new policy to provide direction to employees and non-employee personnel that perform services for the County. The policy applies to advisory board members, County committee appointees, and County commissioners.

Since boards, committees & commissions are an integral part of OC Public Libraries, OC Parks, OC Animal Care, Housing & Community Development and Homeless Prevention, and OC Community Services, we recognize the correspondence and communications to and between members of the Boards, Committees and Commissions may be subject to PRA requests.

Members of Boards, Committees and Commissions that use personal accounts for County business, will be required to search through personal accounts and devices to produce records if a PRA request is received. Additionally, the email addresses of the members may be disclosed to the requestor.

This bulletin provides notification on the new County policy and offers suggestions on how to comply with this requirement.

New Requirements for Boards, Committees & Commissions

- If a member has a County of Orange email account, all County business is required to be conducted on the County account. If contacted on County business on your privately owned device or account by text or email, the information should be transferred to the County issued account and promptly deleted from the personal account or device. You may consult your County contact to ask if a county email account makes sense for the program.
- If a member uses a privately owned account for communication related to County business and there is request for your correspondence, you can expect to:
 - Be notified by the County of the PRA request and asked to produce records responsive to the request
 - Receive training from the OCCR Custodian of Records on how to identify a public record and how to conduct the search for documents
 - Receive directions on completing a search verification form. This form is important as it is designed to document the search and offers protection to the member in the event of litigation related to the PRA request. County **will not** conduct a search on your personal account or device in response to a PRA request.
 - Get assistance from your County contact or the OCCR Custodian of Records at (714) 480-2774

Recommendation

- Board, Committee & Commission members for OCCR are not likely to have County issued cellphones or email accounts. OCCR suggests that members create a dedicated email account to use only for County business (e.g. janedoeocvac@gmail.com or johndoeocparkskommissioner@hotmail.com). The advantage to this option is that all of your County correspondence is in one place making an easier search, only this email address will be disclosed to the requestor, and a separate account or mailbox helps to protect your privacy.