

Report #2023-01

PUBLIC RECORD REQUESTS AUDIT REPORT

NUMBER OF RECOMMENDATIONS



*City of Glendale
Internal Audit*

08.31.2022



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Acknowledgment

We would like to thank staff from City Clerk’s Office, City Attorney’s Office and Information Technology for the support and assistance provided to us throughout this project.

For questions regarding the contents of this report, please contact the lead auditor, Ani Antanesyan, Internal Auditor, or Jessie Zhang, Internal Audit Manager at InternalAudit@glendaleca.gov

This report is also available online at <https://www.glendaleca.gov>

A. Overview

Key Outcomes

The City Clerk's Office (CCO) is responsible for complying with the California Public Records Act (PRA) by responding to public record requests (PRRs). Based on the audit procedures performed, Internal Audit did not find instances of non-compliance with the PRA, except that the communication to the requesters should disclose if records have been redacted and should provide the specific name and title of the decision maker(s) if the requested record is disclosed in redacted form, cannot be disclosed, is not found, or a response is extended. Internal Audit identified nine improvement opportunities related to clarifying policies to better demonstrate compliance with the PRA and best practices, tracking compliance against PRA response time deadlines, enhancing PRR related data tracking, improving efficiencies within the PRR process, promoting open data, and establishing performance metrics.

Impact Dashboard

This table summarizes the applicable value-added categories (total 24) for the nine recommendations based on their priority rankings.¹

	Value Added Categories			
	Compliance	Cost Saving	Efficiency	Risk Reduction
Priority 1 0	0	0	0	0
Priority 2 2	2	0	2	2
Priority 3 7	6	1	5	6

¹ Each audit recommendation may have more than one value-added category. The Definitions of Priority Rankings and Value-Added Categories are located at Appendix 1.

B. Action Plan and Target Completion Dates

The action plan and target completion dates are summarized in the table below. Internal Audit will perform quarterly status follow-up to provide assurance that management is taking appropriate and timely corrective action to address audit recommendations.

Ref.	Management Action Plan	Completion Date ²
Priority 2		
1.	Ensure that communication with requesters is fully aligned with the PRA by including name and title on certain conditions. <i>Value added:</i> Compliance , Efficiency , Risk Reduction	03/31/2023
2.	Ensure that the CCO is compliant with its own Policies related to PRRs and that they cover the full extent of the PRR process. <i>Value added:</i> Compliance , Efficiency , Risk Reduction	03/31/2023
Priority 3		
3.	Collect data in the Tracker to more consistently demonstrate compliance with response time requirements. <i>Value added:</i> Compliance , Efficiency , Risk Reduction	06/30/2023
4.	Enhance Tracker data quality through clearly defining data fields in Policies and adding necessary data fields for better tracking purposes. <i>Value added:</i> Compliance , Efficiency , Risk Reduction	06/30/2023
5.	Improve efficiency and effectiveness over the PRR process through reducing duplicate efforts, increasing automation, and seeking stakeholder feedback. <i>Value added:</i> Compliance , Efficiency , Risk Reduction	06/30/2023
6.	Improve the PRR process efficiency and reduce staff time spent on responding to PRRs by utilizing a specialized software and making data available publicly. <i>Value added:</i> Cost Reduction , Efficiency	06/30/2023
7.	Develop and/or document the methodology of current PRR-related KPIs. <i>Value added:</i> Compliance , Risk Reduction	06/30/2023
8.	Update the public webpage related to PRRs to be more user-friendly and beneficial for both submitting and processing requests. <i>Value added:</i> Compliance , Efficiency , Risk Reduction	06/30/2023
9.	Establish controls to ensure that only active City employees are provided with access to the Tracker. <i>Value added:</i> Compliance , Risk Reduction	Completed

² These dates are a general timeline based on the priority level. According to the City Clerk, some of the items may take longer to implement based on available resources.

C. Background

Internal Audit has completed an audit of the City's public record requests (PRR) process. The City Clerk's Office is responsible for compliance with the PRA in responding to PRRs. The City Attorney's Office (CAO) is responsible for the final interpretation of the laws and policies and final approval prior to any PRR being released.

The California Public Records Act

The public's right to access government records through PRRs stems from the California Public Records Act (PRA), that was enacted in 1968 to:

- Safeguard the accountability of government to the public;
- Promote maximum disclosure of the conduct of governmental operations; and
- Explicitly acknowledge the principle that secrecy is antithetical to a democratic system of "government of the people, by the people and for the people".³

What is a Public Record?

The PRA defines "public records" as "any writing⁴ 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."

Content of the Request

A public record request must reasonably describe an identifiable record or records. It must be focused, specific, and reasonably clear, so that the local agency can decipher what record or records are being sought. A request that is so open-ended that it amounts to asking for all of a department's files is not reasonable. If a request is not clear or is overly broad, the local agency has a duty to assist the requester in reformulating the request to make it clearer or less broad.

A PRA request applies only to records existing at the time of the request. It does not require a local agency to produce records that may be created in the future.

Timing of the Response

A local agency must respond promptly, but no later than **10 calendar days** from receipt of the request, to notify the requester whether records will be disclosed. If the request is received after business hours or on a weekend or holiday, the next business day may be considered the date of receipt. The 10-day response period starts with the first calendar day after the date of receipt. If the tenth day falls on a weekend or holiday, the next business day is considered the deadline for responding to the request. The City Clerk's

³ Gov. Code, § 6250

⁴ A writing is defined as "any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored."

Office has a stricter interpretation of response time than the definition of response time found in the PRA, as its procedures note that the 10 calendar days start from the date of receipt and include weekends and holidays.

Extending the Response Time

A local agency may extend the 10-day response period for copies of public records for up to 14 additional calendar days due to the following reason(s):

- i. To search for and collect the requested records from field facilities or other establishments separate from the office processing the request;
- ii. To search for, collect, and appropriately examine a voluminous amount of separate and distinct records demanded in a single request;
- iii. To consult with another agency having substantial interest in the request (such as a state agency), or among two or more components of the local agency (such as two city departments) with substantial interest in the request; or
- iv. In the case of electronic records, to compile data, write programming language or a computer program, or to construct a computer report to extract data.

No other reasons justify an extension of time to respond to a request for copies of public records.

City's PRR Policies and Procedures

Three written policies govern the City Clerk's PRR process: The Administrative Policy Manual Section 7-4 Public Inspection of Records, and two internal policies and procedures from the City Clerk's Office called the Administrative Policy and Procedure – PRA and Responding to PRRs, and the Administrative Policies and Procedures of PRR Process (these two policies will be referred to as Policies throughout the report).

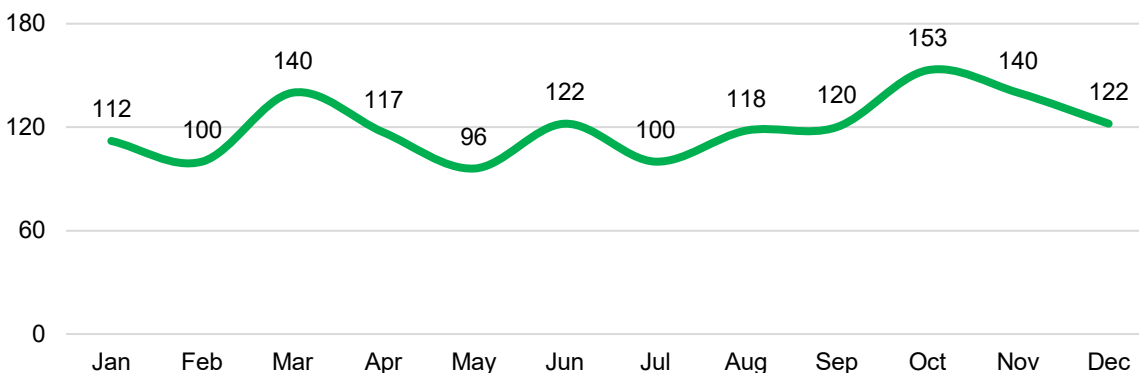
The PRR Process

The City of Glendale receives public record requests through various means, such as in person requests, by phone, by email, by mail and through an online form available on the City's website. The CCO uses a SharePoint document that is referred to as the Tracker throughout the report, to track PRRs, and to manage response to requests internally. Most public records are delivered in PDF format through email to requesters. Occasionally, records are delivered via providing access to OneDrive (a document storage solution), flash drive, DVD, or hard copy. The Citywide Fee Schedule currently has adopted fees for delivering records in hard copy and DVD.

CY 2021 Record Requests Data Summary

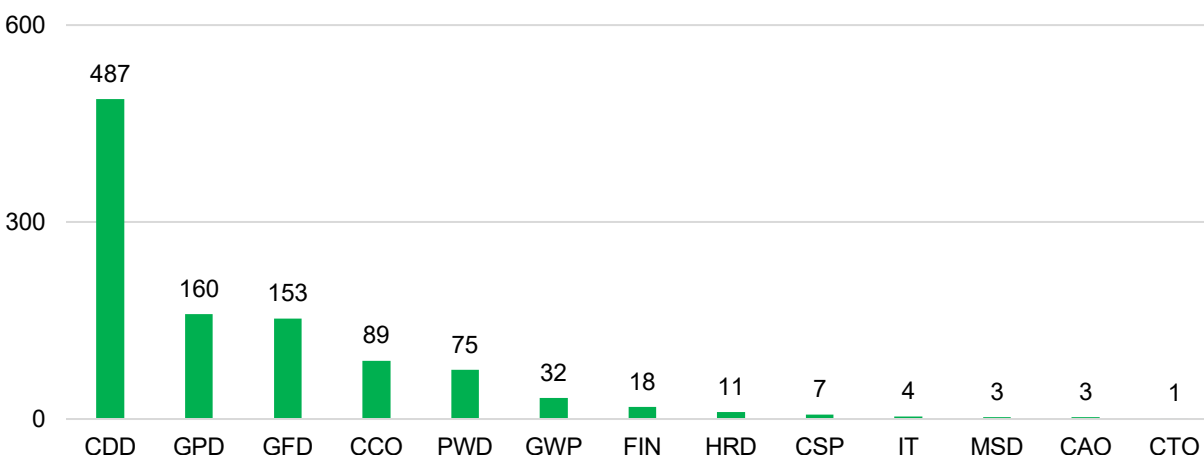
In Calendar Year (CY) 2021, the CCO responded to 1,440 requests; Chart 1 shows the requests by month. On average, CCO receives 120 requests per month.

Chart 1: Public Record Requests Received in CY 2021 by Month



Of the 1,440 requests, 397 (or 28%) requests involved two or more departments to respond, and 1,043 (or 72%) required one department to respond. As shown in Chart 2, the Community Development Department (CDD) received the most PRRs in CY 2021, followed by the Glendale Police Department (GPD) and the Glendale Fire Department (GFD).

Chart 2: Public Record Requests by Department in CY 2021⁵



D. Objective, Scope and Methodology

The objective of this audit is to determine whether adequate controls are in place to ensure the public record requests are managed efficiently and following the applicable laws, regulations, and best practices.

The scope of the audit covered the period of Calendar Year 2021 public record requests received by the City, excluding identified duplicate and test records. This audit excludes testing the public record request process for compliance with PRA non-disclosures, and for instances involving exercise of legal judgment.

⁵ This chart is based on public record requests received and answered by single departments. This analysis does not include instances where multiple departments are involved in answering a request.

To accomplish the audit objective, Internal Audit performed the following:

- Interviewed staff from the CCO, the City Attorney's Office, Information Technology, and City departments that handle the most public record requests.
- Reviewed the California Public Records Act, as well as a primer on the PRA through the League of California Cities titled "The People's Business: A Guide to the California Public Records Act".
- Reviewed CCO policies and procedures against the PRA and practice.
- Performed a survey of 14 cities to identify best practices in public record request management.
- Performed detailed testwork on 1,440 public record requests received and completed in CY 2021 to assess data quality, efficiency of the process, functionality of the tools for managing the process, and whether adequate controls are in place to ensure compliance with the applicable laws, regulations, and best practices.

As a result of these audit procedures performed, nine observations were identified and are detailed in the Observations, Recommendations, and Management Responses Matrix beginning on the following page.

E. Observations, Recommendations, & Management Responses Matrix

Ref	Observation	Recommendation	Management Response
1.	Response Communication Compliance with PRA		
Priority 2	<p>Per the PRA, if the requested record is disclosed in redacted form, cannot be disclosed, is not found, or a response is extended, the agency's response must be in writing and must identify by name and title each person responsible for the decision. Internal Audit reviewed a sample of PRRs in these four categories, and available response letter templates and found that:</p> <ul style="list-style-type: none"> a. When responding with redacted records, or when no records are located, or when records are not disclosed, or when a request is extended, the City's written communication did not include the name/title of staff that made such decisions. b. Internal Audit sampled 15 responses to requesters in December 2021, four responses had redacted documents, however, the emails did not note that the documents had been redacted. c. Internal Audit reviewed the extension email template provided by CCO and noted that the template only includes one of the four possible reasons for extension. Additionally, the Policies do not cite the full extent of PRA extension reasons. 	<p>CCO work with CAO to perform the following:</p> <ul style="list-style-type: none"> a. Update the response letter template to include the name(s) and title(s) of the person(s) that decides records need to be redacted, no records are available, records cannot be disclosed, or any record request must be extended. b. Update the response letter template to include a note if disclosed records have been redacted. c. Update the extension email template to include all four possible reasons that an extension may be sought in responding to public record requests and check all the reasons that apply. 	<p>Agree and will implement by March 31, 2023.</p>

Ref	Observation	Recommendation	Management Response
2. Compliance with and Clarification of City Policies			
Priority 2	<p>Upon reviewing Policies and sample requests, Internal Audit noted that:</p> <ul style="list-style-type: none"> a. Policies are inconsistent regarding departments seeking an extension, with one stating that CCO, and another stating that CAO should be contacted first. b. Policies do not provide procedures on commonly redacted information. Departments do not use consistent methods of redaction. c. Per Policies, CCO will contact the requester in case of no responsive records. However, one of the three available responses was sent by departmental staff instead. d. Although Policies state that the original request must be attached to Tracker, two of the 20 sampled requests did not have this attachment, and two others had incorrect dates of receipt. e. Policies do not reference collection of records duplication fees, or criteria for waiving fees. Per the PRA, any duplication fees must be supported by an agency resolution, but flash drive fees are not on the City's Fee Schedule. f. Policies do not specify the record retention of PRRs. 	<p>CCO work with CAO to perform the following:</p> <ul style="list-style-type: none"> a. Streamline Policies related to duties of City staff when requesting an extension. b. Provide a general guide for commonly redactable information in the Policies. One option is to use Adobe Acrobat Pro DC to consistently perform redaction, and to allow CAO to review the content prior to final redaction. c. Clarify in Policies the roles and responsibilities of CCO and departments in communicating with requesters, including but not limited to when no records are found by department. d. Enforce the policy of attaching the original requests in the Tracker, and ensure that staff enter the correct date of receipt of the original request. e. Ensure that Policies include procedures on collection and waiver of record duplication fees, if applicable. Incorporate flash drive fees to the Citywide Schedule of Fees. f. Ensure the Policies include records retention related to PRRs. 	<p>Agree and will implement by March 31, 2023.</p>

Ref	Observation	Recommendation	Management Response
3.	10-Day Response Time Tracking		
Priority 3	<p>Internal Audit performed a manual review of 116 public record requests received in December 2021, and noted that the average response time for 115 (or 99%) out of 116 requests was 8 days. However, the following improvement opportunities are noted to better track and monitor the 10-day requirement:</p> <ul style="list-style-type: none"> a. The Policies do not have documented procedures in place to track the date of 10-day response and the final completion date of a request, if different. Currently, staff enter the date that a response is sent to requester in a comment field called "Additional Information"; it takes time consuming manual effort to monitor and evaluate response times currently. b. The Policies do not require extension date to be entered in the Tracker or required extension email to be attached to the Tracker. It was noted that 24 out of 30 requests with more than 10 days response time do not have an extension date entered. It is not clear whether these have requested extension. 	<p>CCO work with IT to perform the following:</p> <ul style="list-style-type: none"> a. Develop a completion date field in the Tracker, to ensure the response time is in accordance with either the 10-day or the 14-day extended response time requirement. b. Document in Policies how the new date(s) should be used by staff to ensure consistent and accurate data entry. For instance, to clarify whether for requests with extensions, or requests with multiple responses, which date will be used to show compliance with the 10-day response time. c. If extension is requested, document in the Policies that extension date be consistently entered and/or the extension request email be attached to the Tracker. 	<p>Agree and will implement by June 30, 2023.</p>

Ref	Observation	Recommendation	Management Response
4. Tracker Improvements			
Priority 3	<p>Internal Audit reviewed the Tracker for data quality and noted the following:</p> <ul style="list-style-type: none"> a. There are 12 available “Status” categories in the Tracker, but only three were referenced in the Policies. b. The “Status” field is used to track request type, delivery method, and response type/status, such as “Duplicate”, Emailed the Response”, “Mailed by Postal”, and “Time Extension Requested”. c. Per the Policies, once a request is completed, the “Status” should show “Requester Contacted”. However, the status for 1,294 of 1,440 completed requests in CY 2021 show “Emailed the Response”, and 12 completed records were in intermediate “Status” categories.⁶ d. Certain items in the Tracker are not classified by request type, such as test requests submitted by CCO, requests that do not qualify as public record requests, and requests that result in non-disclosure. e. Certain items in the Tracker appeared to be duplicate requests but were not tagged under “Duplicate Request”. f. The four possible reasons for extension are currently not systematically tracked. 	<p>CCO work with IT to perform the following:</p> <ul style="list-style-type: none"> a. Review and reference all “Status” categories in the Policies to ensure currency and consistency. Periodically QC the Tracker data to ensure accurate, consistent, and timely data entry. b. Separately track request type, delivery method, and process status. Enforce and document the consistent usage of fields in the Policies. c. Revise the Policies to reflect an actively used process status for completed requests. d. Add the following request types: "Test Record", "Non-Disclosure Case", and "Non-Public Record Case". e. Document in the Policies that the record of original request must be referenced in the Comments to ensure consistent tracking of "Duplicate Request". f. Add a field to track the four possible request extension reasons. Document the data field and its usage in the Policies. 	<p>Agree and will implement by June 30, 2023.</p>

⁶ One request in “Time Extension Requested”, two in “Extension Letter Sent” and nine in “Department Response Uploaded”.

Ref	Observation	Recommendation	Management Response
5. PRR Process Efficiency and Effectiveness			
Priority 3	<p>Upon review of the PRR process, the following were noted:</p> <ul style="list-style-type: none"> a. Due to lack of automation, staff spend time manually typing requests received from a form on the City's website into the Tracker. b. There is duplication of effort in attaching copies of records to the Tracker and emailing them to requesters. c. There is no requirement of additional layer of review by departments, for cases where no records are found, other than the person searching for records. d. The City has not surveyed the requesters of public records to obtain user experience feedback. <p>Four departments were interviewed regarding the PRR process and the following were noted:</p> <ul style="list-style-type: none"> e. Three out of four departments said that they get unfocused requests sometimes. While three departments contact requesters directly, one goes through CCO. f. The tracker sends irrelevant notifications to staff. g. Periodic training on how to respond to PRRs would be helpful. 	<p>CCO perform the following:</p> <ul style="list-style-type: none"> a. Work with IT to automate original request entry into the Tracker from direct-fill forms on the City's website. b. Work with IT and CAO to utilize OneDrive as a central repository for all public record responses. c. Implement and document in the Policies an additional layer of review procedure, by the department supervisor, and/or CAO and/or other departments, when no responsive records are found. d. Administer a public survey to gain user experience insight about the public record request process. e. Review the current online form to determine if it can be modified to better assist requesters in submitting more focused requests. Document the procedures and role of departments when seeking request clarification. f. Work with IT to evaluate Tracker capabilities to reduce irrelevant notifications to staff. g. Periodically provide training to city staff on how to respond to public record requests. 	<p>Agree and will implement by June 30, 2023.</p>

Ref	Observation	Recommendation	Management Response
6. Open Data⁷			
Priority 3	<p>Internal Audit found the following common/best practices from surveying 14 cities:</p> <ul style="list-style-type: none"> a. Eight cities use a PRR tracking software that allows for online request submittal, tracking, and acts as a central document transfer location. b. Eight cities post on their city's website previously released public records in various stages of transparency, with two only releasing specific records, and one only releasing the original request. One city is also curating a list of trending requests. c. 11 cities have open data initiatives to aid self-search of records. While some have robust open data programs, other cities produce their budgets via dashboards, or provide the public with self-search portals. d. Currently, the data available in the Tracker is not used to perform trend analysis, such as identifying the most requested records to inform open data candidates by department. 	<p>CCO perform the following:</p> <ul style="list-style-type: none"> a. Work with IT to review available software for tracking public record requests and consider using it to streamline both the tracking and submittal of requests. b. Work with the CAO to determine the feasibility of publicly disclosing previously requested and/or released records to help alleviate future public record requests. c. Review the survey research on open data initiatives and produce commonly requested records online to alleviate staff time on responding to public record requests. d. Perform data analysis to identify commonly requested records by department and make commonly requested records available online. 	<p>Agree and will implement by June 30, 2023.</p>

⁷ See Appendix 2 for the complete survey.

Ref	Observation	Recommendation	Management Response
7. Key Performance Indicators			
Priority 3	<p>In FY 2021, it was reported that the City Clerk processed 1,146 public record requests to promote transparency and inform the community. However, it was noted that:</p> <p>There is no documented methodology or supporting documentation for the current KPI, "Number of Public Record Requests". It is not clear whether this number included requests received or completed, or whether any other data points that should, in fact, be excluded.</p>	<p>CCO perform the following:</p> <ul style="list-style-type: none"> a. Establish a documented methodology for the current KPI of "Number of Public Record Requests Processed". 	<p>Agree and will implement by June 30, 2023.</p>
8. Updating Public Record Requests Webpage			
Priority 3	<p>All methods that can be used to request a public record are not clearly stated on the City's webpage. Additionally, the fillable form on the webpage and the Public Record Request Form do not have instructions. Furthermore, the PDF Public Record Request Form has an outdated City logo.</p>	<p>CCO work with IT to perform the following:</p> <ul style="list-style-type: none"> a. Encourage using Public Record Request Form, but list all methods that are allowed under the PRA to request a public record on the City webpage. b. Provide instructions on completing the PDF form and the direct-fill forms available on the City webpage, and update any outdated City logos on any forms. 	<p>Agree and will implement by June 30, 2023.</p>

Ref	Observation	Recommendation	Management Response
9. User Access List			
Priority 3	<p>Based on a review of all active Tracker users, it was noted that five of 83 (6%) active Tracker users were separated from the City.</p>	<p>CCO perform the following:</p> <ul style="list-style-type: none"> a. Remove the access of the five identified users. b. Submit a request to Human Resources to be added to its employee separation notification distribution list to timely remove separate employee's access to the Tracker. 	<p>Agree and has completed the following:</p> <ul style="list-style-type: none"> a. Deactivated five user accounts. b. CCO has been added to the Human Resources employee separation list, and will be periodically notified of terminations to ensure timely removal of separated employees' access to the Tracker.

Appendix 1: Definitions of Priority Rankings and Value-Added Categories

Definitions of Priority Rankings

The priority rankings are assigned by internal auditors based on their professional judgment. They are also agreed to by management based on their evaluation of the alignment with the strategic goals, priorities and available resources. A timeline has been established based on each priority ranking:

- a. **PRIORITY 1** - Critical control weakness that exposes the City to a high degree of combined risks. Priority 1 recommendations should be implemented within **3 months** from the first day of the month following report issuance or sooner if so directed.
- b. **PRIORITY 2** - Less than critical control weakness that exposes the City to a moderate degree of combined risks. Priority 2 recommendations should be implemented within **6 months** from the first day of the month following the report issuance or sooner if so directed.
- c. **PRIORITY 3** - Opportunity for good or better practice for improved efficiency or reduce exposure to combined risks. Priority 3 recommendations should be implemented within **9 months** from the first day of the month following the report issuance or sooner if so directed.

Definitions of Value-Added Categories

The four value-added impact categories are defined based on their impact from the audit recommendations:

- a. **COMPLIANCE** - adherence to laws, regulations, policies, procedures, contracts, or other requirements.
- b. **COST SAVING** - lower the costs related to conducting City business.
- c. **EFFICIENCY** - ability to avoid wasting resources (money or time) in achieving goals.
- d. **RISK REDUCTION** - lower the risks related to strategic, financial, operations and compliance.

Appendix 2: Public Record Requests Survey

Internal Audit surveyed the public facing component of the public record request process of 14 cities.

Ref No	Jurisdiction	Population (as of 2020)	# of Requests Processed during FY 2021	Requests to Population Ratio	Public Archive (previously released public record requests)	City Open Data Portal	Software Used
1	City of Glendale	199,357	1,146	0.57%	X	X	SharePoint
2	City of Pasadena	142,017	N/A	N/A	X	√	N/A
3	City of Burbank	103,411	N/A	N/A	X	X	N/A
4	City of San José	1,029,000	729	0.07%	X	√	N/A
5	Inglewood	109,309	N/A	N/A	X	X	N/A
6	Anaheim	353,085	509	0.1%	√ ¹	√	N/A
7	Garden Grove	172,800	900	0.52%	√ ²	√	N/A
8	City and County of San Francisco	874,784	N/A	N/A	√	√	NextRequest ⁵
9	City of South San Francisco	66,878	388	0.58%	√	√	GovQA ⁵
10	City of Portland	650,380	28,000	4.3%	√ ³	√	GovQA
11	City of Torrance	144,430	N/A	N/A	X	√	GovQA
12	Santa Monica	91,600	N/A	N/A	X	√	GovQA
13	Santa Ana	332,610	N/A	N/A	√	√	NextRequest
14	Huntington Beach	199,778	N/A	N/A	√	X	GovQA
15	Long Beach	462,081	N/A	N/A	√ ⁴	√	GovQA

(1) Only the original request is disclosed.

(2) Garden Grove performance statistics dashboard (https://ggcity.org/records_request/)

(3) Trending PRRs.

(4) Selective disclosure of records.

(5) NextRequest and GovQA softwares allow for account creation for submitting public records requests, which also allows for request tracking.