

**CITY OF OAKLAND**  
**OFFICE OF THE CITY ATTORNEY**  
**MEMORANDUM**

TO: Offices of the Mayor and City Administrator, City Department Heads

FROM: Barbara J. Parker, City Attorney

DATE: April 16, 2012

RE: **Does the Public Records Act Allow the City to Require that Public Records Requestors Fill Out a Form or Submit Requests in Writing?**

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This month two media outlets advised the City Attorney's Office that a City department was requiring them to fill out a form in order to submit a public records request. They asserted that this requirement violates the California Public Records Act (Gov. Code §§6252, et seq.) and Oakland's Sunshine Ordinance (OMC Chapter 2.20.).

When we checked into this matter, the department in question advised that it was not requiring that public records requestors complete the form. However, to assure that there is no confusion about this matter, we want to be clear that the City cannot require that public records requestors complete forms or file written requests; therefore, if any City departments have these requirements, they must immediately terminate them.

The Public Records Act allows City departments to **ask** requestors to file requests in writing or file them in the City's online public records database tracking system. But, if the requestor declines to make his/her request in writing or online, the City cannot require that he/she do so.

A memo sent on December 7, 2011 to all Department Heads outlines key requirements of the California Public Records Act and includes answers to many frequently asked questions. The memo can be found on the City Attorney's Web site at: <http://www.oaklandcityattorney.org/Ops-Reps/Ops-Reps.html>.

Very truly yours,



Barbara J. Parker  
Oakland City Attorney