

Kory DeClark
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October 3, 2022

VIA U.S. CERTIFIED MAIL AND EMAIL

Matthew Rogers
Office of the District Attorney for Tehama County
444 Oak Street – Room L
Red Bluff, CA 96080
Email: MRogers@tehamada.org

Re: California Public Records Act Request

Dear Mr. Rogers:

I write in response to your letter dated April 26, 2022, which responds to our September 7, 2021 CPRA request. Thank you for your letter.

In your letter, you write: “this Office does not have an existing record that summarizes the requested information as set forth in items one through 15, with respective sub-parts, of your original letter.” We do not understand what this means. Does this mean you do not track any data in any form? If data is tracked, how is it stored and how do you access it for use in your office? What would be the process for you to produce it to us?

Although the CPRA does not require an agency to create a new record, there is a difference between searching, extracting, compiling, or redacting electronically stored data and creating new records.¹ The fact that you do not have a summary document does not discharge your responsibility under the CPRA, particularly because our request seeks raw data, which by its nature is an existing record.

You are required to assist us in focusing our request to promote the disclosure of publicly available information.² We ask that you respond with detailed information regarding your data storage system and information regarding which subcategories of the data we request is tracked by your office and in what form. Please provide this information by October 13, 2022 to ensure the timely disclosure of data to which we are entitled.

Very truly yours,



Kory DeClark

¹ *Sander v. Superior Court* (2018) 26 Cal.App.5th 651, 667.

² Gov’t Code § 6253.1(a); *see also City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 616 (“In general, [the CPRA] creates ‘a presumptive right of access to any record created or maintained by a public agency that relates in any way to the business of the public agency.’”).