

CLIENT NEWS BRIEF

Court Of Appeal Shields Personnel Records From Disclosure

In *Associated Chino Teachers v. Chino Valley Unified School District* (Nov. 29, 2018, E068163) __ Cal.4th __, the California Court of Appeal for the Fourth Appellate District determined that complaints regarding a high school teacher's alleged aggressive behavior were not substantial enough to require disclosure under the California Public Records Act (CPRA). Chino Valley Unified School District ("District") had sought to release these documents in response to a records request issued by a staff writer for the Southern California News Group. Associated Chino Teachers (Union), however, filed a petition for a writ of mandate to prevent the District from disclosing the personnel information. The court ruled in favor of the Union, holding that the teacher's privacy interest in these documents outweighed the public's interest in their disclosure.

Background

The subject teacher (Teacher), whose name remains confidential, was a high school girls' volleyball coach employed by the District. During the fall of 2016, several parents levied complaints against the Teacher, claiming that the Teacher was improperly "yelling and belittling the student-athletes in public and holding practice at their home." The District investigated the allegations and provided the complainants with its written findings. In November 2016, the Teacher resigned.

On November 14, 2016, Beau Yarbrough, a staff writer for the Southern California News Group, issued a records request to the District demanding disclosure of any "records that demonstrated the results of [the District]'s investigation" into the Teacher's conduct. The District informed the Teacher of its intent to release its written findings. Teacher objected, and on December 21, 2016, the Union filed a petition for a writ of mandate to prevent the disclosure of these personnel records. The trial court denied this petition.

The Court's Opinion

On appeal, the court employed a three-part analysis to determine whether these records were exempted from disclosure under the CPRA. First, the court considered whether the subject documents constituted "personnel file[s] . . . or other similar file[s]" that may be shielded from disclosure. The court ruled that the subject documents were personnel records because they "contain[ed] personal information that applie[d] specifically to [Teacher]," to which only the Teacher's supervisors had access. Second, the court considered whether the disclosure of this information was "clearly [an] unwarranted invasion of [Teacher's] personal privacy." The court opined that disclosure would indeed infringe upon the Teacher's substantial privacy interest, as the documents contained sensitive information pertaining directly to the Teacher. Finally, the court weighed the Teacher's privacy interest against the public's interest in disclosure. Many factors entered the court's analysis, including "the extent to which disclosure . . . w[ould] shed light on the public agency's performance of its duty," the severity of the allegations against the Teacher, and the "indicia of reliability" illuminating whether the complaint against the Teacher was "well founded."

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Manuel F. Martinez
Partner
Walnut Creek Office
mmartinez@lozanosmith.com



Benjamin Brown
Associate
Monterey Office
bbrown@lozanosmith.com



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Ultimately, the court held that the Teacher's privacy interest in these documents outweighed the public's interest in their disclosure; thus, the records were exempt from disclosure under the CPRA. The Court of Appeal accordingly overruled the trial court's judgment and granted the Union's petition.

Takeaways

Every CPRA request is unique and public agencies should carefully consider the implications of a records request particularly when they seek personnel records. The disclosure of personnel records could compromise an employee's substantial privacy interests, and public agencies must conduct the required balancing tests in order to determine whether to disclose these types of records.

For more content related to the CPRA, check out this episode of [Lozano Smith's podcast](#).

For more information on this court decision or to discuss any questions related to the California Public Records Act, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#) or download our [Client News Brief App](#).

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