

SACRAMENTO GROUNDWATER AUTHORITY POLICIES AND PROCEDURES MANUAL

Policy Type : Operations
Policy Title : Groundwater Data Policy
Policy Number : 300.2
Date Adopted : June 9, 2011
Date Amended :

1.0 Purpose

The purpose of this Groundwater Data Policy (“Policy”) is to establish a methodology for the Sacramento Groundwater Authority (“Authority”) to receive data from member agencies and to respond to data requests that ensures the confidentiality of the data are maintained.

2.0 Scope

This Policy applies to all groundwater data that are currently in the possession of the Authority or that the Authority will acquire in the future.

3.0 Recitals

- 3.1. WHEREAS, the Authority is a joint powers agency formed pursuant to the Joint Exercise of Powers Act (Cal. Gov’t Code section 6500, et seq.) and acts pursuant to the authority of its Member Agencies; and
- 3.2. WHEREAS, the mission of the Authority is to manage, protect and sustain the groundwater resources of the basin of Sacramento County north of the American River consistent with the Water Forum Agreement for the benefit of the water users within the basin, and to coordinate with other management entities and activities throughout the region; and
- 3.3. WHEREAS, the Authority, in carrying out its mission, has need to acquire groundwater data (e.g. well location, geological information, water quality and water level data) from its Member Agencies and compile the data in a Data Management System; and
- 3.4. WHEREAS, the Member Agencies have developed or acquired confidential, technical and proprietary information relating to well construction, groundwater data and water quality information (“Confidential Information”) and that all parties wish to ensure that the Confidential Information which may be

disclosed pursuant to this Policy is treated in strictest confidence consistent with the requirements of law; and

- 3.5. WHEREAS, such Confidential Information is not general public knowledge, is proprietary and/or confidential and is being disclosed on a limited basis, voluntarily, under the terms and conditions of this Policy; and
- 3.6. WHEREAS, the Authority has received requests from both the public and its Member Agencies for the groundwater data it has acquired; and
- 3.7. WHEREAS, Member Agencies have requested the Authority to respond to a data request on its behalf; and
- 3.8. WHEREAS, the California Public Records Act (Gov't Code section 6250, et seq.) declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in the state; and
- 3.9. WHEREAS, notwithstanding the intent of the California Public Records Act, the Act also exempts numerous types of information from public disclosure, including
 1. geological and geophysical data (Gov't Code section 6254(e));
 2. well completion reports (Cal. Water Code section 13752);
 3. disclosure of a public record to a public agency pursuant to an agreement to treat the material as confidential (Gov't Code section 6254.5(e)); and
 4. any information where, based on the particular facts of the case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record (Gov't Code section 6255); and
- 3.10. WHEREAS, the Authority and its Member Agencies agree that subject to the discretion of the individual Member Agency, such Confidential Information is exempt from public disclosure but may be disclosed on a limited basis pursuant to the statutory provisions cited above, and they further agree not to dispute or in any manner contest or object to a Member Agency's determination or policy or policies in this regard; and
- 3.11. WHEREAS, the Authority, as a public agency subject to the California Public Records Act, is in need of a written Policy for acquisition of data from its Member Agencies and to respond to internal and external data requests that ensures the confidentiality of the data are maintained.

NOW THEREFORE, BE IT RESOLVED THAT:

1. Member Agencies shall provide groundwater data to the Authority under a claim of confidentiality and shall have all documents marked as confidential.

2. All data submitted to the Authority by a Member Agency shall be pursuant to an agreement to treat the material as confidential.
3. The Authority shall maintain all groundwater data as confidential, pursuant to the claims at the time of submission. Only persons authorized in writing by the Executive Director of the Authority shall obtain the confidential information on behalf of the Authority and only for the purposes that are consistent with existing law.
4. The Authority shall immediately notify a submitting member agency of any request for information from a member of the public in order to allow sufficient time to assert any exclusions or privileges that may be available by law.
5. The Authority may not disclose any data to the public without the express authorization of the submitting Member Agency.
6. The Authority may assert any applicable exclusion or privilege, either on its own behalf or on behalf of a Member Agency.
7. If any information is required to be disclosed pursuant to law or court order, the Member Agency shall work with the Authority to comply with the disclosure request while limiting the disclosure in a manner to preserve the confidential and proprietary nature of the Confidential Information.
8. To the extent that a Public Record Act request is made of the Authority and the Authority has been unable to convince the requestor to seek the data directly from the Member Agency, the member agency/agencies whose data are being sought shall fully and completely defend, indemnify and hold Authority harmless for its costs with respect to asserted exclusions or privileges.
9. The Authority shall disclose groundwater data to a member agency on the condition that the public agency agrees in writing to protect the confidentiality of the records and to limit their disclosure to persons who are employed or retained by the agency and who have signed an agreement to maintain the confidentiality of the records.
10. The Authority shall disclose groundwater data to a public agency only if the public agency requires the information to perform its legally mandated duties and the public agency agrees in writing to protect the confidentiality of the records and to limit their disclosure to persons who are employed or retained by the agency and who have signed an agreement to maintain the confidentiality of the records.