

**FINANCIAL SERVICES ORGANIZATION
INTERNAL AUDIT DIVISION**

January 29, 2024

**COMPLIANCE AUDIT OF
LOS ANGELES DEPARTMENT OF WATER AND POWER
OVER CALIFORNIA PUBLIC RECORDS ACT
JANUARY 1, 2023 THROUGH DECEMBER 31, 2023**

BACKGROUND

As requested by the City Attorney’s Office, we completed the audit of compliance by the Los Angeles Department of Water and Power (LADWP) over the California Public Records Act (CPRA). The audit covered the period from January 1, 2023 through December 31, 2023.

According to the California Government Code § 7920 et seq, a government agency has ten (10) calendar days from receipt of a request to determine whether the request, in whole or in part, will be provided. In unusual cases where the request is voluminous, there is a need to compile data, records are held off-site, or require consultation with other agencies, the agency may extend the time, upon written notice to the requesters, for an additional fourteen (14) calendar days to respond.

The LADWP has established internal policies and procedures to ensure compliance with the CPRA. According to the LADWP’s CPRA Processing Manual:

- All “persons” have the right to inspect and copy disclosable public records, including corporations, partnerships, limited liability companies, firms or associations, the media, or other government agencies.
- Public records may include “any writing 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.”
- The LADWP has 10 calendar days from receipt of the public request to determine whether the Department has records in response to that request. In unusual circumstances, the LADWP can, by written notice to the requester, extend its time to conduct initial research, review, and inspection of records prior to release for up to 14 additional calendar days – up to 24 calendar days total from receipt.
- Approval from the assigned Division’s Senior Assistant General Manager and City Attorney is required if an extension beyond 14 days is necessary or where

the production date is beyond 75 days from the receipt date of the request. The written notification must include the new date LADWP estimates it will complete its initial research and review to locate responsive records and the bases for the extension.

- The 10-day response period starts with the first calendar day after the date of receipt. If the request is received after 5:00 PM on weekdays, on weekends, or LADWP observed holidays, it will be deemed received on the following business day. If the response or determination deadline to the requester falls on a weekend or LADWP observed holiday, it will be extended to the following business day.
- Assigned Division's Senior Assistant General Manager, or their designee in their absence, are responsible for the review and approval of responsive records. The City Attorney will provide legal advice, and are also responsible for review and approval of all responsive records.

There is a dedicated section on LADWP's website where the public can obtain information regarding the CPRA process, including the Manual, CPRA Records Request Form, and the CPRA Clearinghouse contact information. Any person may submit a public records request via regular mail, email, facsimile, phone, or in-person. The CPRA Request Form is designed to help requesters make a clear and focused request. This is important because the information provided will help LADWP personnel determine if there are responsive records and will aid in the research and compilation of records.

The Clearinghouse maintains two internal CPRA logs to record, assign, and track progress for requests received. The first log is for CPRA requests received from the general public, such as individuals, companies, or the media (General CPRA), and the second log is for CPRA utility requests received from other government agencies, including police or fire departments and other local and state agencies (Utility CPRA).

Once the Clearinghouse receives a request, they research and assign the request to a division that may have the responsive records. The assigned division researches the request and provides correspondence which the Clearinghouse sends to the requester informing them whether records are available for review; whether additional time is required to search for records; or whether no responsive records were found. Requests that have records available will be provided with an estimated production date. Approval from the assigned Division's Senior Assistant General Manager and City Attorney is obtained if an extension beyond 14 days is necessary or where the production date is beyond 75 days from the receipt date of the request.

The CPRA Clearinghouse manages CPRA requests and is comprised of Administrative staff from the Communications and Corporate Strategy Division (C&CS). The Administrative Manager of C&CS manages the Clearinghouse.

PURPOSE

The purposes of the audit were to verify whether LADWP has established internal control policies and procedures in place to ensure compliance with the California Government Code § 7920 et seq and to determine whether LADWP has appropriately met the established timelines and notification requirements in responding to public records requests as required by the California Government Section Code § 7922.535.

In addition, to comply with the annual audit requirement in a settlement agreement between Glancy Prongay & Murray, LLP and the LADWP (Settlement), we determined and reported to the LADWP Board of Commissioners the following results:

1. The actual calculated accuracy with which the LADWP met the 10-day response deadline set forth as a percentage of the total response to CPRA requests during the calendar year 2023. The expected accuracy rate for calendar year 2023 was 75 percent;
2. The actual calculated number of times the LADWP utilized a 14-day extension in response to a CPRA request, set forth as calculated as a percentage of the total responses to CPRA requests during calendar year 2023; and
3. The actual mean, mode, and median number of days required for LADWP to produce responsive records to the CPRA requests during calendar year 2023.

SCOPE

We obtained the CPRA logs maintained by the Clearinghouse, which contain General and Utility requests received throughout the calendar year 2023. We reviewed each request's information including receipt and response dates, comments, status, and progress, to ensure consistency and completeness of the logs. We excluded duplicate requests, administratively closed requests, and requests that are pending review due to the cutoff of the audit period. Accordingly, the Clearinghouse received 432 General requests from the public and 915 Utility requests from state and local agencies, totaling 1,347 CPRA requests received during the audit period (population).

We sampled 70 requests from the population for detail testing (44 General and 24 Utility CPRA requests randomly and two General requests judgmentally). For each sampled request, we obtained and reviewed supporting documentation to verify and confirm that (1) the dates of requests received and responses to meet the 10-day response period were correct and appropriate; (2) extension requests and responses for 14-day extensions or beyond were correct and appropriate; and (3) Senior Assistant General Manager approval was received where extension requests beyond 14 calendar days were necessary or where production of records was beyond 75 days from receipt of the CPRA request. Additionally, we verified whether internal control activities and policies and procedures maintained by the Clearinghouse were sufficient to ensure compliance with the CPRA Government Code § 7920 et seq.

To determine the accuracy rate with which the LADWP met the 10-day response deadline, we reviewed the information provided by the Clearinghouse, including receipt and response dates, comments, status, and progress, to ensure consistency and completeness. We then calculated the number of days between the date Clearinghouse officially received a request and the date a response was provided to determine whether the request complied with the 10-day mandatory response period. Finally, we calculated the accuracy rate by dividing requests submitted to LADWP that met the 10-day response period against the total number of requests for the calendar year.

To determine the actual calculated number of times the LADWP utilized a 14-day extension in response to a CPRA request, we reviewed the population to identify which requests utilized the additional 14 calendar days extension. We reviewed the General and Utility CPRA logs to determine whether LADWP issued a 14-day extension to a request. Extension requests that complied with the 14-day mandatory deadline were then divided against the total number of requests to calculate the percentage of 14-day extensions utilized by LADWP.

Finally, we calculated the actual mean, mode, and median number of days LADWP took to produce responsive records from the official request received date.

CONCLUSION

Based on the audit, we concluded that LADWP has established guidelines, policies and procedures to ensure compliance with the CPRA and meet the established timelines and notification requirements when responding to requests for public records. We also confirmed that LADWP has a dedicated section on LADWP’s website where information regarding the CPRA process can be found.

In addition, as required by the Settlement agreement, we determined the following:

1. The actual calculated accuracy with which the LADWP met the 10-day response deadline set forth as a percentage of the total response to CPRA Requests during calendar year 2023 were 67 percent for General CPRA requests and 98 percent for Utility CPRA requests for a total combined accuracy rate of 88 percent, as presented in the table below:

Accuracy Rate: 10-Day Mandatory Response (CY2023)			
	CPRA General Requests (Public)	CPRA Utility Requests (State & Local Gov.)	Combined Count
Compliant Requests	288	899	1,187
Total Requests	432*	915**	1,347
Accuracy Rate	67%	98%	88%

*Actual total is 447 (15 requests were reviewed and excluded due to consolidation; pending review due to cutoff; or administrative closure.)

**Actual total is 933 (18 requests were reviewed and excluded due to duplication; pending review due to cutoff; or administrative closure.)

The expected accuracy rate for calendar year 2023 was 75 percent.

2. The actual calculated number of times the LADWP utilized a 14-day extension in response to a CPRA request, set forth as a percentage of the total responses to CPRA requests during 2023 calendar year were 51 percent for General CPRA requests and zero percent (or no extension request) for Utility CPRA requests, as presented in the table below:

Actual Utilization of 14-Day Extension Response (CY2023)		
	CPRA General Requests (Public)	CPRA Utility Requests (State & Local Gov.)
14-Day Extension Requests	221	0
Total Requests	432	915
Percentage	51%	0%

3. The actual mean, mode, and median number of days required for LADWP to produce responsive documents in response to CPRA requests in calendar year 2023 were 33-day Mean, 13- and 21-day Mode, and 26-day Median for General CPRA requests; and two-day Mean, one-day Mode, and one-day Median for Utility CPRA requests, as presented in the table below:

Mean, Mode & Median Number of Days Required for LADWP to Produce Responsive Records (CY2023)		
	CPRA General Requests (Public)	CPRA Utility Requests (State & Local Gov.)
Mean	33	2
Mode	13 and 21	1
Median	26	1

However, our audit identified areas for improvement within internal controls and we have sent a separate memo to Clearinghouse management with recommendations to strengthen and/or enforce some internal control procedures.

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