

National Lawyers Guild v. City of Hayward: No Cost for Redaction of Bodycam Footage in Response to CPRA Request

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The California Supreme Court in *National Lawyers Guild v. City of Hayward* (S252445) held public agencies cannot recover redaction and compilation costs incurred in response to a California Public Records Act request. While the outcome of this case is disappointing to many public agencies who struggle with the costs of redacting video footage or other electronic documents, the Court does provide some examples of other areas of the Public Records Act that could provide relief.

The National Lawyers Guild's submitted a California Public Records Act request to the City of Hayward seeking several categories of records related to the City of Hayward Police Department's actions in 2014 relating to demonstrations that took place in the City of Berkeley after a grand jury decided not to indict policemen involved in the deaths of Eric Garner and Michael Brown. Before producing the records, the City of Hayward provided National Lawyers Guild with an invoice for $2,938.58, the cost of 40.2 hours of staff time used to compile and redact police body camera video.

The Supreme Court acknowledged the California Public Records Act allows public agencies to recover the costs associated with producing copies of electronic records, "including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record" (California Government Code § 6253.9, subd. (b)) when "[t]he request would require data compilation, extraction, or programming to produce the record." (California Government Code § 6253.9(b)(2))

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