



CITY OF NEWPORT BEACH

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Newport Beach, California 92660
949 644-3005 | 949 644-3139 FAX
newportbeachca.gov/cityclerk

August 2, 2018

Delivery Via Email

Hillary Davis
Hillary.Davis@latimes.com

**RE: RESPONSE TO PUBLIC RECORDS ACT REQUEST DATED July 25, 2018
NOTICE OF DETERMINATION**

Dear Ms. Davis:

The City of Newport Beach ("City") has received and reviewed your California Public Records Act ("Act") request dated July 25, 2018, in which you request "*the names and résumés of the three candidates selected for the Aug. 13 interviews for the Newport Beach City Manager position.*" Please be advised that the records you have requested are exempt from disclosure pursuant to the following exemptions in accordance with the Act:

1. Exempt by Law. Records that are exempt from disclosure by express provisions of law. (Gov. Code § 6254(k).)
2. Privilege for Official Information: Your request for information seeks "official information," which means information acquired in confidence by a public employee in the course of his or her duty and not open, or officially disclosed, to the public prior to the time this claim of privilege is made. A public entity has a privilege to refuse to disclose official information, and to prevent another from disclosing official information, if the privilege is claimed by a person authorized by the public entity to do so and: (1) disclosure is forbidden by an act of the Congress of the United States or a statute of this state; or (2) disclosure of the information is against the public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice. (Evid. Code §1040).
3. Deliberative Process Privilege: Based on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (Gov. Code § 6255(a).)

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4. Personal Information: Personal contact information that would constitute an unwarranted invasion of personal privacy (*San Gabriel Tribune v. Superior Court* (1983) 143 Cal.App.3d 762; *Braun v. City of Taft* (1984) 154 Cal.App.3d 332; *Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136; *Cal. First Amend. Coalition v. Superior Court* (1998) 67 Cal. App.4th 159; *Eskaton Monterey Hospital v. Myers* (1982) 134 Cal.App.3d 788.)
5. Closed Session Communications: Memorandum submitted to a state body or to the legislative body of a local agency by its legal counsel pursuant to subdivision (q) of Section 11126 or Section 54956.9 until the pending litigation has been finally adjudicated or otherwise settled. The memorandum shall be protected by the attorney work-product privilege until the pending litigation has been finally adjudicated or otherwise settled. (Gov. Code § 6254.25.)

Based on the foregoing, the City must deny your request. Should you have any questions, please do not hesitate to contact me at 949-644-3005.

Sincerely,



Jennifer Nelson
Assistant City Clerk

cc: Eric Bryan, Records Specialist