



City of Walnut Creek
Development Review Services
1666 N. Main Street, Walnut Creek, CA 94596
(925) 943-5834 phone (925) 256-3500 fax

Issued June 24, 2009

Policy Bulletin No. PB-018

Confidentiality of Complainant Information

Background: When a violation is reported to the Code Enforcement staff, the contact information for the person making the complaint is normally kept with the file so that staff may contact them with follow-up questions or to report on the results of their investigation and enforcement actions. Frequently, the person making the complaint will ask that their contact information be kept confidential for fear of retribution by the person who is alleged to be in violation of the law. Furthermore, some complainants may assume, without asking, that their contact information would not be made available to the general public.

Section 1040 of the California Evidence Code provides that a city may refuse to disclose official information (i.e., information acquired in confidence) if "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." Furthermore, Section 6254(f) of the California Government Code allows the City to withhold disclosure of "records of complaints to...any other state or local agency for correctional, law enforcement, or licensing purposes."

Action: The identity and contact information (including name, address, phone number, etc.) of anyone reporting a violation to the Community Development Department is to be considered information acquired in confidence pursuant to Section 1040 of the California Evidence Code and Section 6254 of the California Government Code. This information is not to be disclosed to the public, nor to any employee of the City who does not have a legitimate business need for the information, unless requested by means of a court order. Additionally, complaints can be made anonymously; the complaining party does not need to provide their identity and contact information if they so choose.