

Policy Memorandum

Revised Date: November 2023

Policy Number: 14-05

Subject: Access to Public Records



Purpose:

The Department of Health Care Access and Information (HCAI) is committed to provide access regarding public records as required by the California Public Records Act (CPRA). (Gov. Code, § 7920.000 et seq.) Under the CPRA, access to records includes the right to both inspect and obtain copies of records.

Policy:

In accordance with CPRA, HCAI provides access to information concerning the conduct of the public's business in accordance with the public's fundamental and necessary right to such access. It is the policy of HCAI to provide access to public records consistent with the requirements of the CPRA.

Eligibility:

Any person has the right to access public records that are not exempt from disclosure under the CPRA or other applicable law.

Responsibilities and Approvals:

The Legal Office is responsible for overall coordination of the CPRA request response process and approval of record disclosures.

The Legal Office is responsible for interpretation of the CPRA and other applicable laws and will resolve any questions as to whether requested records are "public records" as defined in Government Code Section 7920.530 or are otherwise exempt from disclosure.

HCAI encourages, but does not require, requests for records to be made in writing. To ensure the desired materials are accurately identified and produced, HCAI may elect to confirm a written or oral request in writing prior to producing the records.

CPRA requests should be submitted to the HCAI Legal Office:

HCAI Legal Office
2020 W. El Camino Ave., Suite 1217
Sacramento, CA 95833
Telephone: (916) 326-3610
Email: HCAILegalOffice@hcai.ca.gov

Any CPRA request received by any other unit shall be referred immediately to the Legal Office to allow for a timely response.

Within 10 days of receipt of a CPRA request, except under specific circumstances, the Legal Office must determine whether the request seeks copies of disclosable public records and respond to the requester.

All HCAI offices will cooperate in making requested records available for inspection and/or copying.

I. Inspection of Records

In general, all public records are open to inspection by any person on any state business day during office hours. Some records may be exempt from disclosure pursuant to specific provisions of law.

- A. The Legal Office will assist in coordinating access to records for inspection.
 - 1. If the request is for immediate review of easily accessed public records, such access will be granted immediately.
 - 2. If the request requires review of numerous records, a mutually agreeable time will be established for the inspection of records.
- B. If a request to inspect records is denied, a written notification will be sent to the requestor, which will set forth the reason for the denial.

II. Copies of Records

Any person may receive a copy of any identifiable public record, or reasonably segregable portion thereof, unless that record is exempt from disclosure. Fees will be charged for copies.

- A. If a request for records is denied, a written notification will be sent to the requestor, which will set forth the reason for the denial.
- B. If a request for records is granted, the requester will be so notified, and an exact copy will be provided, unless it is impractical to do so. Electronic records may be provided in any format maintained by HCAI, unless the production would compromise the security or integrity of the record.
- C. Along with notification that a request will be granted, HCAI will provide information about the applicable fees:
 - 1. The fee for photocopying 8-1/2" x 11" or 8-1/2" x 14" documents is ten cents (\$0.10) per page. The charge for copying oversized or odd-sized documents will be determined on a case-by-case basis and will be based on the actual cost to HCAI. In some instances, HCAI will encourage the requester to arrange and pay for a licensed and bonded copy service to make copies at a time mutually agreeable to HCAI and the requester.
 - 2. The fee for computer data will be calculated on a case-by-case basis and will be based on staff and processing time, as well as a per page charge for printouts if applicable.
 - 3. Pursuant to Health and Safety Code section 129853, the fee for copies of construction documents will be calculated to include HCAI's actual cost of producing the record(s), including staff time spent retrieving, inspecting, and handling the documents, copying costs, and shipping costs. HCAI will provide the requester an estimate of these costs prior to making copies or providing the materials to a licensed and bonded copy service for duplication.
- D. All applicable statutory fees will be assessed, including mailing costs if applicable. HCAI may make exceptions on a case-by-case basis.

E. HCAI will make the records promptly available upon payment of the applicable fees.

III. Access to Records Posted on the HCAI Public Website

As specified in the CPRA, when a request for a public record posted on HCAI's website is received, a member of the public who wishes to inspect such a record may be directed to the location on the website where the record is posted. (Gov. Code, § 7922.525, subd. (f).) However, if the member of the public then requests a copy due to an inability to access or reproduce the record from the website, HCAI must provide a copy pursuant to the process above.

Definitions:

Public Record: Any writing containing information relating to the conduct of the public's business that is prepared, owned, used, or retained by any state or local agency, regardless of physical form or characteristics.

Person: Includes any natural person, corporation, partnership, limited liability company, firm, or association.

Contact Information:

For questions regarding this policy, or about the accessibility of a particular record, contact the Legal Office at (916) 326-3610 or HCAILegalOffice@oshpd.ca.gov.