



# Department of Consumer Affairs

## Policy & Procedures

<b>SUBJECT: ACCESS TO PUBLIC RECORDS</b>	<i>SUPERSEDES:</i> 91-08	<i>POLICY#</i> LGL 02-01
<b>TITLE: GUIDELINES FOR ACCESS TO PUBLIC RECORDS</b>	<i>EFFECTIVE:</i> IMMEDIATELY	<i>PAGE:</i> 1 of 4
<b>DISTRIBUTE TO: EXECUTIVE OFFICERS; BUREAU, DIVISION and PROGRAM CHIEFS</b>	<i>ORIGINAL SIGNED BY::</i>	
<i>ISSUE DATE:</i> May 1, 2002	<b>Kathleen Hamilton, Director Department of Consumer Affairs</b>	

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**Purpose** The purpose of this policy is to establish Guidelines for Access to Public Records.

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**Applicability** This policy applies to all agencies, divisions, offices, and programs within the Department of Consumer Affairs (DCA).

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**Policy** Every state agency is required under the Public Records Act (PRA) to establish written guidelines for the public to obtain access to public records. The attached guidelines comply with that requirement and the new requirements under AB 1014 (effective January 1, 2002) which require the agency to aid the member of the public in making a focused request by assisting in identifying the records and information that may be responsive to the request. Any denials of PRA requests for consumer complaints shall be subject to Legal Office review prior to responding to the requestor. A copy of the guidelines shall be posted in a conspicuous public place in your offices and shall be provided to any person, upon request, free of charge.

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**Authority** Government Code Section 6253.4.

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**Revision** Determination of the need for revision of this policy is the responsibility of the Legal Affairs Division of the DCA. Questions about the status or maintenance of this policy should be directed to the Policy, Research and Planning Division at (916) 322-3525. Questions about specific issues should be directed to the Legal Office at (916) 445-4216.

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**Department of Consumer Affairs  
Public Records Act (PRA) Guidelines  
(Government Code Section 6253.4)**

The California Legislature has declared that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. The California Public Records Act, Government Code Section 6250 *et seq.*, requires that public records be available to the public upon request. The Department of Consumer Affairs has established the following guidelines to ensure that members of the public fully understand and are afforded the opportunity to exercise their right to inspect and obtain copies of public records.

Public records in the physical custody of the Department of Consumer Affairs or any of its constituent licensing agencies that are not exempt from disclosure will be made available for inspection or copying as follows:

1. Subject to reasonable notice, any person may review public records of the department or its constituent agencies (licensing boards) during weekdays and hours that these offices are regularly open for business. Public records will be available for inspection only at the office or location where they are regularly and routinely maintained.
2. Requests for inspection or copying of public records:
  - a) should be placed in writing by the requestor;
  - b) should be addressed to, or directed to, the specific bureau, program or constituent agency within the department (this includes the licensing boards) that the requestor believes has physical custody of the records being sought.
3. Unless the department and its constituent agencies make available an index of its records, they will provide the following to assist a member of the public to make a focused and effective request that reasonably describes an identifiable record or records to the extent it is reasonable under the circumstances:
  - a) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
  - b) Describe the information technology and physical location in which the records exist.
  - c) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

4. The requestor will be notified in ten (10) days whether the agency has disclosable public records. Where unusual circumstances exist as specified in Government Code Section 6253(c), the agency may, by written notice to the requestor, extend the time for response not to exceed fourteen (14) additional days.
5. If a request is made for a record that is stored in an electronic format, the department and its constituent licensing agencies will comply to the extent required under Government Code Section 6253.9.
6. The department and its constituent agencies may refuse to disclose any records that are exempt from disclosure under the Public Records Act.
7. Any denials of PRA requests for consumer complaints shall be subject to Legal Office review prior to responding to the requestor.
8. Functions of the department or its constituent licensing agencies will not be suspended to permit, and public records will not be made available for, inspection during periods in which such records are reasonably required by department personnel in the performance of their duties. Special arrangements shall be made in advance for the inspection or copying of voluminous records.
9. Public records in the possession of the department and its constituent agencies may be inspected only in the presence of departmental personnel, except in those cases where the director or his or her designee (in the case of departmental records), or the executive officer or his or her designee (in the case of records in the custody of a licensing agency), determines otherwise. Physical inspection of such records will be permitted at places within the departmental offices or offices of the licensing agency as determined by the director or the executive officer, respectively.
10. The department and its constituent agencies will provide copies of any requested public records not exempt from disclosure upon payment of the following fees:
  - Requested public records will be produced at a charge of ten (10) cents per page plus the actual costs of the staff time for retrieving and duplicating the document(s). The cost of staff time will be computed in accordance with the guidelines contained in Section 8740 of the State Administrative Manual. However, these fees may be waived if the costs of retrieval and duplication are less than the cost of processing the payment.
  - Requests by an individual for copies of records pertaining to that individual (e.g., licensee files, personnel files, etc.) will be provided to that individual at a cost of ten (10) cents per page. In these cases, the cost of staff time for retrieving and duplicating the document(s) shall not be charged (Civil Code sec. 1798.33). However, these fees may be waived if the costs of duplication are less than the cost of processing the payment.

- Lists of licensees will be provided in electronic, paper, or mailing label form at a charge sufficient to recover the estimated costs of providing the data. Further information and a list of charges may be obtained by contacting the Office of Information Services at (916) 323-7018.
  - As provided in Business and Professions Code sec. 163, a charge of \$2.00 will be made to certify any document. This fee is in addition to copying costs.
11. A person who inspects records of the department or its licensing agencies shall not destroy, mutilate, deface, alter or remove any such record or records from the location designated for inspection, but shall physically return these in the same condition as when received, upon either the completion of the inspection or upon verbal request of departmental or agency personnel.
  12. In the event that any portion of these guidelines may be deemed at any time to conflict with any law or regulation, the law or regulation shall prevail.
  13. A copy of these guidelines shall be posted in a conspicuous public place in the offices of the department, and the offices of each of the constituent licensing agencies of the department. A copy of these guidelines shall be made available free of charge to any person requesting them.
  14. Constituent licensing agencies of the department may, by written addendum to these guidelines approved by the executive officer or bureau, division or program chief, specify the procedures in which requests for public records shall be made to that agency (e.g., whether in writing or verbal), and the manner, if any, by which a record of such request shall be maintained by the agency.

APPROVED:

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KATHLEEN HAMILTON, Director  
Department of Consumer Affairs

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Date