

To: All OSHPD Staff

Date: March 3, 2014

From: Robert P. David
Director, OSHPD

RPD

Subject: Access to Public Records Policy #14-05

It is the policy of the Office of Statewide Health Planning and Development (the "Office") to provide access to public records consistent with the requirements of the California Public Records Act (Government Code Section 6250, et seq.) and the following guidelines:

I. Inspection of Records

In general, all public records are open to inspection by any person on any state business day from 9:00 a.m. to 5:00 p.m. Some records may be exempt from disclosure pursuant to specific provision of law.

The Office's procedures for the inspection of public records are as follows:

- A. If the request is for health facility or licensed services data reported to the Healthcare Information Division, the requester should contact the Healthcare Information Resource Center, 400 R Street, Suite 250, Sacramento, CA 95811, (916) 326-3802. Reports are available for inspection as required by Health and Safety Code sections 128755 and 128765.
- B. If the request is for inspection of any other record(s):
 1. The Legal Office is responsible for coordination of Public Records Act requests. Requests that are directed to the Legal Office are easier for the Office to track and process, often resulting in a more prompt response. The Legal Office may be reached by telephone at (916) 326-3610, by fax at (916) 322-2561, by e-mail at OSHPDLegalOffice@oshpd.ca.gov, by mail or in person at 400 R Street, Suite 320, Sacramento, CA 95811. The Office encourages, but does not require, requests for records to be made in writing. When requests are made orally, the Office may confirm the request in writing to ensure that the desired materials are accurately identified and produced.
 2. The Office's Chief Counsel or staff will contact the appropriate Divisions and make arrangements for the records to be made available. If there is any question as to whether the requested records are "public records" as defined in Government Code Section 6252, or whether the records are otherwise exempt from disclosure, legal staff will review the records and make a determination.

3. If the request requires review of numerous records, a mutually agreeable time shall be established for the inspection of records.
4. All Divisions will cooperate in making requested records available for inspection.

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. The Office's procedures are as follows:

- A. If the request is for a copy of health facility or licensed services data reported to the Healthcare Information Division, the requester should contact the Healthcare Information Resource Center, 400 R Street, Suite 250, (916) 326-3802. The Center is established to provide access to data and reports as required by Health and Safety Code sections 128740, 128755 and 128765. The Center will follow its established procedures. Charges will be as specified in the Index and Price List which is available on request from that office.
- B. If the request is for a copy of any other record:
 1. The Legal Office is responsible for coordination of Public Records Act requests. Requests that are directed to the Legal Office are easier for the Office to track and process, often resulting in a more prompt response. The Legal Office may be reached by telephone at (916) 326-3610, by fax at (916) 322-2561, by e-mail at OSHDPDLegalOffice@oshpd.ca.gov, by mail or in person at 400 R Street, Suite 320, Sacramento, CA 95811. The Office encourages, but does not require, requests for records to be made in writing. When requests are made orally, the Office may confirm the request in writing to ensure that the desired materials are accurately identified and produced.
 2. The Office will determine within 10 days after the receipt of each request whether a legal reason exists for the denial of the request. Unusual circumstances may necessitate an extension of this time limit.
 - a. If the request is denied, the written notification of denial will set forth the reason for the denial and the name and title or position of each person responsible for the denial.
 - b. If the request is granted, the requester will be so notified. If requested, an exact copy will be provided unless it is impractical to do so. Electronic records may be provided in any format maintained by the Office, unless the production would compromise the security or integrity of the record.
 3. With notification that a request will be met, the Office will provide information about the applicable duplicating costs or statutory fees:
 - a. The fee for photocopying 8-1/2" x 11" or 8-1/2" x 14" documents is \$.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 the Office. In some instances the Office will encourage the requester to arrange and pay for a licensed and bonded copy service to make copies at a time mutually agreeable to the Office and the requester.
- b. The fee for computer data will be calculated on a case-by-case basis. It will be based on staff and processing time, as well as a per page charge for printouts.
 - c. Pursuant to Health and Safety Code Section 129853, the fee for copies of construction documents will be calculated to include the Office's actual cost of producing the record(s), including staff time spent retrieving, inspecting, and handling the documents, copying costs and shipping costs. The Office 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. Any applicable statutory fees will be assessed.
 - e. If the records are mailed to the requester, the requester must pay the cost of postage.
4. The Office will make the records promptly available upon payment of the applicable fees.

This Policy shall be posted in a conspicuous public place in the office and a free copy shall be provided upon request.

Questions about the Office's policy on access to public records, or about the accessibility of any particular record, should be directed to the Legal Office at (916) 326-3610.