

**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. 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. The operational functions of the department or its agencies will not be suspended to permit inspection of records during periods in which such records are reasonably required by personnel in the performance of their duties. If the request requires review of numerous records, a mutually agreeable time should be established for the inspection of the records.
2. Requests for inspection or copying of public records:
 - (a) may be made orally or in writing (including email);
 - (b) if made orally, the requestor should be encouraged to place the request in writing or staff should confirm the request in writing through an intake form or by confirming letter;
 - (c) 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. Where a request is not specific and focused, unless the department and its constituent agencies make available an index of its records, staff to assist the requestor in making 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. If the agency determines that it has disclosable records, the agency shall provide the requestor with an estimated date and time when the records will be made available. 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 with the request in accordance with Government Code section 6253.9:
 - The department and its constituent agencies shall make the information available in any electronic format in which it holds the information.
 - The department and its constituent agencies shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the department or its constituent agencies to create copies for its own use or for provision to other agencies. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.
 - The requestor shall bear the cost of producing a copy of the record, including the cost to construct a record from existing data, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:
 - (a) The department or one of its constituent agencies would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.
 - (b) Satisfying the request would require data compilation, extraction, or programming to produce the record.
 6. The department and its constituent agencies may refuse to disclose any records that are exempt from disclosure under the Public Records Act.
 7. 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.

8. 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.
9. The department and its constituent agencies will provide copies of any requested public records not exempt from disclosure upon payment of the following fees authorized by Business and Professions Code section 161:
 - 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) and postage (if necessary). 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 § 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) 574-8004.
 - As provided in Business and Professions Code section 163, a charge of \$2.00 will be made to certify any document. This fee is in addition to copying costs.
10. 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.
11. 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.
12. 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.

13. 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 by which requests for public records shall be processed and the manner, if any, by which a record of such request shall be maintained by the agency.

APPROVED:

CHARLENE ZETTEL, Director
Department of Consumer Affairs

Date