

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
CALIFORNIA CORRECTIONAL HEALTH CARE SERVICES
Health Care Department Operations Manual

5.1.2 California Public Records Act Requests

(a) Policy

- (1) The California Public Records Act (PRA) requires that government records be released to the public, upon request, unless the records are specifically exempt from disclosure by law. Under provisions of the PRA, California Correctional Health Care Services (CCHCS) shall ensure timely responses to all health care-related PRA requests.
- (2) Responsive records to a PRA request shall be released unless they disclose personal, medical, or other private information about an individual; confidential financial or trade secret information about a company/vendor; are exempt under the PRA; or the PRA requester chooses not to remit the assessed fee for the records. All requests for records shall be considered PRA requests with the exception of subpoenas, court orders, search warrants, or legal documents. It is not necessary for a records request to cite the PRA or any other authority, to state the purpose for the request, or to identify themselves or their affiliation.

(b) Responsibilities

- (1) The Deputy Director, Policy and Risk Management Services, or designee, has the authority to release records requested under the PRA and shall ensure departmental compliance with this policy.
- (2) The Associate Director, Risk Management Branch (AD RMB), shall designate a CCHCS PRA Coordinator, or designee, responsible for releasing all health care-related PRA requests.
- (3) The CCHCS PRA Coordinator, or designee, shall ensure instructions for making a PRA request are posted at CCHCS headquarters and <https://cchcs.ca.gov/pr/> at all times. The Chief Executive Officer, or designee, at each institution shall ensure the PRA instructions are posted in the law libraries.
- (4) Health Care Litigation Support Section (LSS) staff are responsible for researching PRA requests; contacting programs for responsive records; calculating costs for compiling, copying, and furnishing records, if produced by LSS; preparing PRA responses; and submitting responses to the CCHCS PRA Coordinator for approval to release which may include responsive records, a denial, notification of extension, or confirmation of records, and instructions on remittance or in-person inspection.

(c) Procedure

(1) Submittal of Public Records Act Requests

- (A) PRA requests may be sent via email to CCHCSHealthPRAs@cdcr.ca.gov, or by mail to California Correctional Health Care Services, Attention: PRA Coordinator, Building C, P.O. Box 588500, Elk Grove, CA 95758.
- (B) Health care-related PRA requests submitted to CCHCS or California Department of Corrections and Rehabilitation (CDCR) employees shall be forwarded to LSS within 24 hours of receipt.
 1. Requests for contract records made during a contract's procurement shall not be considered PRA requests and shall be forwarded immediately to the CCHCS contracting office responsible for that procurement. This shall ensure that vendors are provided timely information prior to the close of the procurement.
 2. Only upon completion of a contract's procurement, including any applicable protest period, will requests for contract records be processed as PRA requests and forwarded to LSS.
- (C) LSS shall contact the requester to clarify requests that are overly broad, vague, or not sufficiently descriptive, and assist in focusing the request, if possible.

(2) Fee Determination and Collection

- (A) CCHCS shall collect fees for responsive records if:
 1. Hardcopy records are requested; or
 2. Data compilation, extraction, or programming to produce the record is required.
- (B) LSS shall contact the appropriate CCHCS program area to determine if there is a fee associated with the PRA request.
- (C) Prior to performing any tasks to gather responsive documents, LSS shall email to the program area the Public Records Act Staff Salary and Cost Breakdown worksheet to complete which includes:
 1. An estimate of the calculated hours needed to complete the request, and
 2. The number and classifications of staff that will be utilized.
- (D) LSS shall:
 1. Calculate the hourly rate based on the mid-range salary for the classification performing the data compilation, extraction, or programming to produce the record.
 2. Prepare a cost estimate.
 3. Provide the estimate to the requester, in writing, with instructions on remittance of payment and due date.

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(E) If full payment is not received by the due date, which is 30 calendar days, LSS shall close the PRA request.

(3) Responding to Public Records Act Requests

(A) The CCHCS PRA Coordinator, or designee, shall respond to the PRA requests within ten calendar days of receipt by providing to the PRA requester one of the following:

1. Confirmation that responsive records exist, an approximate date the records will be available, and instructions about cost remittance or in-person inspection, if requested.
2. A denial letter indicating no records shall be provided and the reason(s) for the denial.
3. A notification of a 14-calendar day extension pursuant to California Government Code Section 7922.535(b).
4. The requested records.
5. A portion of the requested records with an estimated time for the balance of the records to be provided.

(4) Processing of Public Records Act Requests

(A) Upon receipt of the full payment of fees (refer to Section (c)(2) above), LSS shall request responsive documents from the appropriate CCHCS program area within a specified timeframe.

(B) The appropriate CCHCS program area shall process the request including redacting all personal and/or exempt information within the responsive records and notify LSS of any information redacted and the reason(s) for the redaction.

(C) The CCHCS' Office of Legal Affairs (COLA) shall consider the appropriateness of proposed redactions and provide legal guidance as needed.

(5) Release of Public Records

(A) Prior to the CCHCS PRA Coordinator releasing records under the PRA, the AD RMB, and COLA shall provide written approval to LSS (except for records in Section (c)(5)(B)1. and 2. below).

(B) Release of the following records does not require AD RMB or COLA approval:

1. Official CDCR medical, mental health, or dental forms.
2. Prior versions of the Health Care Department Operations Manual and CCHCS Care Guides.

(C) Responsive records shall be transmitted electronically whenever possible; however, records shall be provided to the requester in the format requested and paid for, if applicable (i.e., hardcopies of public records may also be mailed, if appropriate).

(6) Physical Inspection of Public Records

(A) Physical inspection of responsive records to a PRA request shall be permitted within a CCHCS Headquarters' office during normal business hours or facilitated through the institution Litigation Coordinator.

(B) There is no fee for inspection of public records.

(C) LSS staff shall remain present for the duration of the inspection in order to prevent the PRA requester from destroying, mutilating, defacing, altering, or removing any records from the premises.

(D) Upon completion of the inspection or at the request of LSS staff, the PRA requester shall relinquish physical possession of the records.

(7) Denial of Public Records Request

(A) LSS shall deny the release of records which are exempt from disclosure under the PRA.

(B) If a request is denied, in whole or in part, LSS shall provide the requester with legal justification for withholding the record.

(C) If LSS denies a PRA request with knowledge that the records may be available within CDCR, CCHCS shall provide contact information for CDCR's PRA Coordinator to the PRA requester.

(8) Public Records Act Request Tracking and Reporting Requirements

(A) LSS shall utilize a tracking system for each PRA request.

(B) The AD RMB, or designee, shall issue a weekly PRA report to designated CCHCS executive staff providing the status of PRA requests, as well as compile an annual report at the conclusion of each fiscal year.

(9) Document Retention

Copies of PRA records shall be maintained within LSS at CCHCS headquarters for a minimum of five years following closure of the request. PRA records shall be purged after the five-year period, unless there is duty to preserve the documentation pursuant to litigation.

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References

- California Government Code, Title 1, Division 10, Chapter 3.5. Inspection of Public Records, Sections 7920.000-7930.215

Revision History

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