

M e m o r a n d u m

To : All OSHPD Staff

Date : November 17, 2008

From : Office of the Director

Subject : Access to Public Records Policy # 08-5

Pursuant to the California Public Records Act (Government Code Sections 6250, et seq.), the following guidelines will be followed by the Office of Statewide Health Planning and Development (Office).

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 requester should contact the Office's Legal Office, by telephone at (916) 326-3610, by fax at (916) 322-2561, by e-mail (OSHPD_Legal_Office@oshpd.ca.gov), by mail or in person at 400 R Street, Suite 320, Sacramento, CA 95811, and identify the record(s) to be inspected.
 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 copy 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 requester should submit a written request to the Office's Legal Office at 400 R Street, Room 320, Sacramento, CA 95811, by e-mail (OSHPD_Legal_Office@oshpd.ca.gov), or by fax at (916) 322-2561. Although requests may be made orally, written requests are encouraged. The request should reasonably describe an identifiable record or information produced therefrom.
 2. The Office will determine within 10 days after the receipt of such a request whether to comply with 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. Computer data will be provided in a form determined by the Office.

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 require the requestor to arrange and pay for a copy service to make copies at a time mutually agreeable to the Office and the requestor.
 - 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. Any applicable statutory fees will be assessed.
 - d. If the records are mailed to the requestor, the requestor 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.

Original signed by:

David M. Carlisle, M.D., Ph.D.
Director