



PAT LEARY
ACTING DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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May 7, 2019

PIN 19-14-ASC

TO: ALL RESIDENTIAL CARE FACILITY FOR THE ELDERLY LICENSEES

FROM: *Original signed by Pamela Dickfoss*
PAMELA DICKFOSS
Deputy Director
Community Care Licensing Division

SUBJECT: **CALIFORNIA PUBLIC RECORDS ACT REQUEST TO INSPECT
AND/OR OBTAIN COPIES OF FACILITY FILES**

Provider Information Notice (PIN) Summary

PIN 19-14-ASC provides information regarding the process for inspection or obtaining copies of facility files from the California Department of Social Services under the California Public Records Act.

The California Department of Social Services (the Department) is required to follow a specified process when responding to requests from the public under the [California Public Records Act \(CPRA\), Government Code section 6250 et seq.](#) Under the CPRA, the public has a right to inspect and/or obtain copies of public records maintained by state and local agencies. A public record includes any writing containing information relating to the conduct of the public's business, owned, used, or retained by any state or local agency as specified in [Government Code section 6252\(e\)](#). These may be in the form of handwritings, photos, faxes, emails, electronic data, or recordings. A request to inspect a facility file is considered a CPRA request.

To ensure accuracy in responding to a request for records, including facility files, the Department encourages all CPRA requests be in writing and submitted to:

California Department of Social Services
Legal Division, ATTN: PRA Request Coordinator
744 P Street, MS 8-5-161
Sacramento, CA 95814
Fax: (916) 654-1171 or Email: PRARrequest@dss.ca.gov.

Requests can also be made orally, by telephone or in person at a public counter in one of the Department's regional offices. In addition to maintaining facility files for public inspection at the regional offices, many records are readily available and accessible on the [Department's website](#).

Availability of Facility Files

Pursuant to [Health and Safety Code section 1569.61](#) facility files that are not otherwise confidential shall be made available immediately upon the request of any requestor who shall have the right to obtain copies of the documents from the file, as specified. If the request identifies records that are reasonably available and not exempt, the Department must make the records promptly available during office hours.

While many facility files are immediately available for inspection, the CPRA may exempt certain records from disclosure, including but not limited to, confidential records such as medical records, some investigative records, and records in connection with pending litigation. A record cannot be withheld, however, merely because a portion of it is exempt. Records must be disclosed when there are exempt portions that can be reasonably segregated per [Government Code section 6253\(a\)](#). If there is reason to believe a facility file may contain confidential information, the Department must act promptly and review requested facility files to determine if an exemption applies to any of the records contained in the facility file before releasing it to be inspected or copied.

The Department may take up to 10 days upon receipt of the CPRA request to determine if the documents are disclosable or are exempt from disclosure. If, and only if, one or more of the unusual circumstances listed in subdivision (c) exist, the 10 days may be extended for an additional 14 days upon written notification to the requestor. If the records are not made available in this time, the Department must identify and convey a reasonable time in which the records will be made available. Please refer to [Government Code section 6253\(c\)](#).

Copying Facility Files

If the requestor wishes to copy multiple facility files, or if the facility file is particularly large and cannot be processed immediately, staff will communicate this to the requestor and indicate a reasonable amount of time to accomplish the task. The Department makes every effort to ensure staff are available to assist the public.

The Department may assess charges for copying a facility file. The requestor will be informed of the charges before they are incurred. There is no charge for records copied if the requestor uses their own equipment on the premises.

More information can be found in the Department publication, [Guidelines for Access to Public Records: California Public Records Act.](#)

If you have any questions regarding this PIN, please contact your local [Adult and Senior Care Regional Office.](#)