

ACCESS TO RECORDS

2230

(No. 4 October 1998)

An individual is allowed to inspect his/her record unless the information is exempt from access. An individual may request an amendment of any portion of his/her record which is believed to be inaccurate, irrelevant, untimely or incomplete.

Policy

Ensure that individuals are allowed access to records maintained on them [CC Section 1798.34 (a)].

Conduct a review of any determination that a record is exempt from access if such a review is requested by the individual [CC Section 1798.41(b)].

Ensure that no personal information about another individual is disclosed when allowing a subject individual access to his/her record (CC Section 1798.42).

Procedure to Access Records

Any notice to an individual which indicates that the agency maintains a record on that individual shall include the title and business address of the person directly responsible for the system of records of which the record is a part. Such notice must also include the procedures to be followed to gain access to and to dispute the record contents (CC Section 1798.32).

Upon presenting proper identification, any individual who requests copies of records pertaining to him/her shall be furnished to the subject individual within 15 days of the date of inspection [CC Section 1798.34(b)]. In the case of a specific request for copies of records pertaining to an individual, the request for copies of records shall be responded to within 30 days for active records and 60 days for inactive records that are geographically dispersed or in central storage. A fee of not more than ten cents per page may be charged to the individual, unless waived (CC Section 1798.33).

In allowing an individual to review or obtain copies of information about himself/herself, any personal information relating to another individual shall be deleted (CC Section 1798.42).

EXEMPT INFORMATION

2230.1

(No. 4 October 1998)

The following information is exempt from access by the subject individual [CC Section 1798.40(a)].

- Information used for enforcement of criminal laws maintained by agencies whose principal function is criminal law enforcement.
- Written testing or examination material or scoring keys.
- Medical, psychiatric or psychological material, if the holder of the record determines that disclosure would be medically or psychologically detrimental to the subject individual. This information must, upon written authorization, be disclosed to a physician, psychiatrist or other licensed medical or psychological personnel designated by the subject individual. Such information is **not** exempt from access when it is determined that disclosure to the subject individual will no longer be detrimental.
- Information of an investigation of an individual fitness for licensure or public employment or of a grievance or complaint or a suspected civil offense, so long as the information is withheld only so as not to compromise the investigation or a related investigation. Identities of individuals who provided information for the investigation may be withheld pursuant to Section 1798.38.
- Information used solely for settlement of claims for work related illness or injuries and is maintained exclusively by State Compensation Insurance Fund (SCIF).
- Any information which is required by statute to be withheld from the individual to whom it pertains.

This section shall not be interpreted to deny an individual access to information relating to him or her if access is allowed by another statute or decisional law of the State of California.

REQUESTS TO ACCESS EXEMPT RECORDS

2230.1.2

(No. 11 September 2012)

When an individual requests access to exempt records, he/she shall be notified in writing that the record is exempt from access and that disclosure is not authorized by law [CC Section 1798.41(a)]. The individual shall also be notified of his/her right to request a review of such determination.

The individual shall be instructed to submit his/her request for a review to the CAL FIRE Records Management Coordinator, Forms, Information, and Records Management, P.O. Box 944246, Sacramento, CA 94244-2460.

The CAL FIRE Records Management Coordinator shall conduct a review within 30 days of the receipt of the request and shall notify the individual in writing of the findings of the review [CC Section 1798.41(b)].

A record containing confidential information shall not be disclosed if disclosure would seriously interfere with apprehending a criminal or endanger the life of an informant. An agency may petition the superior court to issue an order authorizing the agency to respond that no such record exists [CC Section 1798.41(c)].

ACCESS TO PUBLIC RECORDS

2230.2

(No. 11 September 2012)

Public records are open to inspection at all times during departmental office hours. Certain CAL FIRE records (or portions thereof) are confidential and may not be released to the public. These records include but are not limited to:

- records pertaining to criminal investigations and security procedures;
- CAL FIRE personnel records;
- records received and maintained by CAL FIRE in confidence and any other records deemed to be exempt from public disclosure under Government Code Section 6254.

Any person who wishes to inspect a public record may present his or her request to the manager of the office where the record is located. The requester must identify the requested record by a specific but brief description and approximate date of record.

If a written or "in-person" request for access to or copies of public records can not be completed due to the uncertainty of whether or not the records can be released, or the records can not be identified or located, or the request would involve extensive research, certification or reproduction of a large amount of records, the manager will forward the request to the Records Management Coordinator, Forms, Information and Records Management Unit, in the CAL FIRE Headquarters Business Services Office, at (916) 323-7119.

CAL FIRE must acknowledge receipt and inform requester of status of request of public records access within ten (10) days from the date the request is received.

The requester may obtain a copy of a specific identifiable public record which is subject to disclosure. A request for a copy or certified copy of an identifiable public record, or information produced from that record must be accompanied by payment of the prescribed statutory fee where applicable. If there is no statutory fee in effect, and there is no legal or extensive staff research or certification required, a minimum fee of .10 per page will be charged. The requester may reproduce a public record by his or her own means subject to a limitation that the record is not damaged by reproduction equipment. If copies of records are mailed, mailing costs will be charged to those receiving the material. All material will be mailed first class unless other arrangements are made by the requester.

Except under unusual circumstances and when adequate security for documents can be provided, no record may be removed from the office.

RESTRICTED ACCESS TO PUBLIC RECORDS

2230.2.1

(No. 11 September 2012)

CAL FIRE may temporarily deny or restrict inspection of public records under any of the following circumstances:

1. It is determined that CAL FIRE's Legal Office or Information Practices Coordinator must review the request to ensure that access is permissible under applicable state and federal laws.
2. It is determined by law that access to the document is not permissible.
3. The records are, at that particular time, required by CAL FIRE staff, or other state officials to perform their duties.
4. CAL FIRE has reason to fear defacement or other injury to the records, or is unable to supervise the inspection of the records at that particular time.
5. Other members of the public are waiting to inspect the records.
6. An individual is monopolizing certain records to the detriment of other members of the public who wish to inspect the same records.
7. An unusual amount of time will be required to locate the records.
8. The Public Records Act (PRA) does not require CAL FIRE to develop information or new documents for requesters. The PRA only requires access to existing documents.

NOTE: Policy 2230.2.2-2230.2.5 to be developed at a later date.

COST OF COPYING OF PAPER PUBLIC RECORDS UPON REQUEST

2230.2.6

(No. 11 September 2012)

Upon receiving a request for a copy of existing paper records, consistent with Handbook section 2230 et al., CAL FIRE shall make the records available upon payment of fees covering costs of duplication. Duplication fees are 37 cents per paper page for duplication.

CAL FIRE does not supplement responses to previous requests when new records are created or received. A separate request and related payment must be submitted each time records are sought.

**FORMS AND/OR FORMS SAMPLES: RETURN TO ISSUANCE HOME PAGE FOR FORMS/FORMS
SAMPLES SITE LINK.**

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