

Office of the State Public Defender

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Requests for Access Pursuant to the California Public Records Act

Access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state as declared by the [California Public Records Act](#) (PRA). (Gov. Code, § 6250). This includes the right to inspect or receive copies of public records. The PRA provides members of the public access to records and information maintained by government agencies, such as the **Office of the State Public Defender (OSPD)**. The purpose of the PRA is to ensure that government records are disclosed to the public upon request unless there is a legal basis for withholding those records.

“Public records” include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by OSPD regardless of physical form or characteristics. (Gov. Code, § 6252, subd. (e)). “Writing” means any handwriting, typewriting, printing, photostatting, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Gov. Code, § 6252, subd. (g)).

Any person may make a request to review public records or receive copies of those records that are not exempt from public disclosure. The definition of “person” includes any natural person, corporation, partnership, limited liability company, firm or association. (Gov. Code, § 6252, subd. (c)).

Public records in the physical custody of the OSPD shall be made available for inspection and copying in accordance with the following:

Direct Requests to the Public Records Officer (PRO). Requests can be in writing or made orally and should include the requestor's complete contact information so that OSPD may notify them when the request records are available.

The PRO can be contacted by:

- (1) Mail: Office of the State Public Defender
Attention: Public Records Officer
1111 Broadway, Suite 1000
Oakland, CA 94607

- (2) Email: public.record@ospd.ca.gov
- (3) Fax: (510) 452-8712
- (4) Phone: (510) 267-3300
- (5) In-Person at the address indicated in (1).

All Requests are Encouraged to be Made in Writing. I.e. via mail, email, or fax. By making requests in writing, it is ensured that OSPD has the most accurate information in order to correctly identify and locate the requested records and will be able to better track requests and promptly respond. If requests are made verbally, OSPD may follow up to confirm the request in writing to ensure accuracy of the request.

When Making a Request, the Requestor Must be Specific and Clear. The request must reasonably describe an identifiable record or records and should include the following information:

- The name(s) of the record;
- The date(s) of the record;
- The subject/nature of the record;
- A clear and specific description of the record;
- Any additional information that helps staff identify the record; and
- Whether the request is to physically inspect the records or to obtain physical or electronic copies of the record.

If any of the above information is unavailable, the request must still be as focused and specific as possible in its description of the requested records in order to most effectively serve you. If a request is not sufficiently specific, OSPD staff will (1) assist the requestor in identifying the records and information that are responsive to the request or to the purpose of the request, if stated; (2) describe the information technology and physical location in which the record exist; and (3) provide suggestions for overcoming any practical basis for denying access to the records or information sought. (Gov. Code, § 6253.1, subs. (a)(1)–(3)).

Inspection of Public Records. If desired public records maintained by OSPD may be made available for inspection during regular business hours, generally Monday to Friday between 8 a.m. and 5 p.m., and in a location designated by the office. Public inspection may also be monitored by OSPD staff. Arrangements to do so should be made in advance to allow OSPD time to retrieve, review, or redact records as necessary. Persons inspecting public records shall not destroy, mutilate, deface, or alter any such record or records or remove any such record or records from the location designated for inspection. The records shall be physically returned in the same condition and order as received, upon either the completion of the inspection or upon verbal request of OSPD staff presiding during the inspection.

Timely Processing Requests. OSPD, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In some circumstances, this time limit may be extended by written notice to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. (Gov. Code, § 6253). These circumstances may include:

- (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
- (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

OSPD shall provide records within a reasonable period.

Duplication. Under Government Code, section 6253(b), OSPD may charge for the "direct costs" of providing copies of an identifiable record. OSPD will produce physical duplicates of the requested records at the cost of \$0.10 per page but only if the cost of duplication exceeds \$25.00 (250+ pages). OSPD may also provide an electronic copy of the records requested in lieu of physically reproducing them. (See also Gov. Code, § 6253.9(a)).

Information Exempt from Disclosure. Some records and documents are exempt from public disclosure. These records are deemed confidential because they may contain personally identifiable information (e.g. Social Security number, driver's license or ID number, or home address) or fall under attorney-client privilege or attorney work product doctrine. Some examples of records that are NOT available for public viewing include:

- Records pertaining to pending litigation to which the OSPD is a party. (Gov. Code, § 6254, subd. (b).)
- Preliminary drafts, notes, or agency memoranda not retained in the ordinary course of business. (Gov. Code, § 6254, subd. (a).)

- Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege. (Gov. Code, § 6254, subd. (k), and Evid. Code, § 954.)
- Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. (Gov. Code, § 6254, subd. (c).)

(Gov. Code, §§ 6254–6255).

OSPD also has the authority to withhold requested information if it determines that the public interest in withholding a record clearly outweighs the public interest in disclosing the record. (Gov. Code, § 6255, subd. (a).) When requested records are identified, OSPD staff shall carefully review and redact any exempt information before presenting to the public.

Records Request Retention. OSPD shall maintain a complete copy of all communications with the requestor including a complete copy of the record produced. The PRA request, response(s), and records provided shall be retained in accordance with OSPD’s Record Retention Schedule. This information shall be maintained by the PRO.