California Health Benefit Exchange
Operations Division
Administrative Manual

Subject:	**Public Records Act Guidelines**
Date:	**October 2012** **No: AM-003**

GENERAL POLICY

The Public has a general right to inspect and/or obtain copies of public records maintained by state and local agencies pursuant to the Public Records Act (PRA). Govt. Code Section 6250 et seq. While many records are accessible, the PRA as well as other statutes may preclude disclosure of records, including but not limited to, confidential records such as medical records, records containing private information about other people, trade secrets, advice from Exchange lawyers, and records prepared in connection with pending litigation. Specific to the Exchange, per Section 100508 of the Government Code, records that reveal any of the following are exempt from disclosure:

- The deliberative processes, discussions, communications, or any other portion of the negotiations with entities contracting or seeking to contract with the Exchange, entities with which the Exchange is considering a contract, or entities with which the Exchange is considering or enters into any other arrangement under which the Exchange provides, receives, or arranges services or reimbursement.
- The impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff, or records that provide instructions, advice, or training to employees.
- The portion of any contract that contains payment rates.
- All contracts and amendments for one year after the effective date.

The Exchange may need to review requested records to determine if an exemption applies before a record may be inspected or copied.

REQUEST FOR INSPECTION OR COPIES OF PUBLIC RECORDS

A request should be sufficiently specific and focused to enable identification, location, and retrieval of the public records sought. If a request is not specific and focused, Exchange staff will:

1. Assist the requester to identify public records that are responsive to the request or to the purpose of the request;

2. Describe the information technology or physical location in which the public records exist; and

3. Provide suggestions for overcoming any practical barriers to disclosure of the public records sought.

The Exchange does not supplement responses to previous requests when new records are created or received. A separate request must be submitted each time records are sought.

To insure accuracy in responding to a request for public records, the Exchange encourages all requests to be submitted in writing, by facsimile, or by electronic mail. Requests can also be made orally, by telephone or in person at a public counter in one of our offices. You do not need to disclose who you are, or why you want the records.

Please direct all requests to:

California Health Benefit Exchange
Office of Legal Services
ATTN: PRA Request
560 J Street, Ste. 280
Sacramento, CA 95814
Fax: (916) 323-3567

Or e-mail: info@hbex.ca.gov.

You may call to inquire about filing a Public Records Act request at (916) 323-3502.

RESPONSE TIME

Public records in the possession of the Exchange, which are not exempt from disclosure, shall be available for inspection during the normal business hours of the Exchange (8:00 am – 5:00 pm, Monday through Friday). If the request seeks inspection of numerous records, a mutually agreeable time shall be established for the inspection. Exchange functions will not be disrupted to permit inspection of records, and records will not be available for inspection during periods when the records are required by Exchange personnel in the performance of their duties. Records will not be removed from the possession of the Exchange. An Exchange employee will be present during the inspection of records to prevent the loss or destruction of records.

If you personally visit an office location and the request cannot be filled within 10 calendar days of receiving your request, the Exchange will let you know that up to 14 additional calendar days may be needed to research your request. By the end of this 14 day period, the Exchange will notify you whether and when records will be produced. If some or all of the records you requested cannot be released because they are considered confidential under law, the Exchange will let you know in general what type of records they are and why they are confidential.

FEES

There is no charge to just inspect records. There is no charge for records copied using equipment you bring to the Exchange. The Exchange can make copies for you if it is practicable to do so. Some of the Exchange's offices may not provide copying service due to the amount of records and volume of requests. If the Exchange makes the copies, the fee is 10 cents ($0.10) per page. If you want copies of electronic records the Exchange can put on a CD or DVD, the cost is one dollar ($1.00) for each CD or DVD. If your request requires the Exchange to do special computer programming, perform data extraction, or construct a custom report, you will need to pay for the actual cost of time the Exchange spends on the project, as well as the cost of any special supplies or services used. You will need to pay either by check or

money order before the Exchange commences with work. If you want copies mailed, the Exchange will not charge for first class mail. If you want copies sent by any other method, or if special handling is involved, the Exchange will charge you for the cost. You will only have to pay the fees mentioned here if the total is more than five dollars ($5.00).

These guidelines shall be posted in a conspicuous place at every public counter in all California Health Benefit Exchange offices and a free copy shall be provided upon request.

APPROVED:

Yolanda R. Richardson
Deputy Chief Operations Officer
California Health Benefit Exchange

10-12-12
Date