



**DEPARTMENT OF MENTAL HEALTH
POLICY/PROCEDURE**

| | | | |
|---|---|--|-----------------------------------|
| SUBJECT ACCESS TO PUBLIC RECORDS | POLICY NO. 104.01 | EFFECTIVE DATE 10/01/1989 | PAGE 1 of 5 |
| APPROVED BY: Original signed by: ROBERTO QUIROZ Director | SUPERSEDES 104.6 10/01/1989 | ORIGINAL ISSUE DATE 03/31/1989 | DISTRIBUTION LEVEL(S) 1 |

PURPOSE

- 1.1 To ensure that a uniform process exists for the inspection of Department of Mental Health (DMH) records deemed to be public records.

BACKGROUND

- 2.1 The California Public Records Act was adopted in 1968. Through the enactment of this Government Code, Section 6254, the Legislature, mindful of the right of individuals to privacy, found and declared that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in the State.

POLICY

- 3.1 Public records are open, by appointment, to inspection at all times during normal County office hours. Every person has a right to inspect any public record except those records that are legally exempt. (See attached Government Code, Section 6254).
- 3.2 Requests to inspect or receive copies of public records shall be honored if the procedures below are honored and if the requests are specific and legitimate, i.e., not used as harassments.
 - 3.2.1 Public Records are defined as any storage medium (paper, magnetic tape, microfilm, etc.) containing information relating to the conduct of Departmental business not deemed to be exempt.
 - 3.2.2 Exempt Records are public records exempted by law from public inspection or copying. These exemptions are permissive; a public agency may release information if it falls within the scope of one of the exemptions as long as the release is not prohibited by another law. Routinely, disclosure of an otherwise exempt public record to any



| SUBJECT | POLICY NO. | EFFECTIVE DATE | PAGE |
|---------------------------------|---------------|-------------------|---------------|
| ACCESS TO PUBLIC RECORDS | 104.01 | 10/01/1989 | 2 of 5 |

member of the public constitutes a waiver of any exemptions as to that record; there can be no selective disclosure. Within the DMH, all records containing identifying information related to individual clients are exempt as specified in Welfare and Institutions Code (WIC), Section 5328 et sequela.

3.2.2.1 Certain sections of the Public Records Act provide limited exemptions for certain types of public records. County Counsel, through the Office of the Chief Deputy Director, should be consulted on any legal question regarding the disclosure of information.

PROCEDURE

4.1 Gaining Access to Departmental Public Records

- 4.1.1 All requests to inspect or copy DMH records must be channeled through the Office of the Chief Deputy Director.
- 4.1.2 Within ten (10) working days after the receipt of a formal written request for a public record, the DMH must determine whether to comply with the request and notify the requestor accordingly.
- 4.1.3 An extension of ten (10) working days may be granted in specified instances if:
 - 4.1.3.1 A voluminous amount of records must be found and assembled;
 - 4.1.3.2 Records must be obtained from another agency;
 - 4.1.3.3 Consultation with another agency is required.
- 4.1.4 If records must be obtained from another agency, it is recommended that the requestor secure the records from the alternate source.



**DEPARTMENT OF MENTAL HEALTH
POLICY/PROCEDURE**

| SUBJECT | POLICY NO. | EFFECTIVE DATE | PAGE |
|---------------------------------|---------------|-------------------|---------------|
| ACCESS TO PUBLIC RECORDS | 104.01 | 10/01/1989 | 3 of 5 |

4.1.5 If a request is denied, notification of the denial will come through the Office of the Chief Deputy Director.

4.2 Fees and Charges

4.2.1 Copies of public records will be made available to the general public upon payment of certain fees and charges. These will be determined by the Auditor-Controller.

4.2.1.1 These fees represent the reasonable cost for duplication, including labor, materials, overhead, postage, etc.

4.2.1.2 Monies collected as fees and charges for this service are subject to accounting procedures and controls prescribed by the Auditor-Controller and are deposited in the County Treasury. These monies are then credited to the DMH.

4.2.2 Safeguards to prevent the loss or theft of money received in payment for copying services are outlined in DMH Policy #804.01, "Procedures for Clinical Cash Handling, Deposit of Patient Revenues, and Financial Record Keeping."

4.3 Records Service Area

4.3.1 DMH will designate a suitable site where the public can inspect or acquire copies of records during normal business hours.

4.3.2 There will be a posted document, easily accessible to public view, indicating that the official copy of a County record cannot be removed from the premises for any reason.

4.4 Safeguards to Protect Records from Mishandling, Theft, Loss, or Defacement

4.4.1 Unless authorized by the Office of the Chief Deputy Director, all requested documents approved for release will be handled by County employees. The requestor will not handle the original document.



| SUBJECT | POLICY NO. | EFFECTIVE DATE | PAGE |
|---------------------------------|---------------|-------------------|---------------|
| ACCESS TO PUBLIC RECORDS | 104.01 | 10/01/1989 | 4 of 5 |

4.4.2 When it is necessary that the requestor handle the original document, the records will then be under the observation of a person designated by the Chief Deputy Director.

4.5 Computer, Magnetic, and Photographic Data

4.5.1 The Los Angeles County Code provides that computer data, audio, and photographic records need not be copied if an exact duplicate of such data or information contained therein is available for copying in printed or photographic form. This data will be reproduced by the most economical method (i.e., photocopied) unless otherwise requested. This does not include data analyses which have not already been generated as a report.

4.5.1.1 If a paper copy is not available, non-exempt computer data will be reproduced as requested after the collection of appropriate fees covering costs of such reproduction. Computer data will be provided in a format determined by the custodian of the data.

4.5.1.2 The public is entitled to copies of only those computer programs, or any part thereof, developed and utilized by County agencies, providing they are not exempt from public inspection. Providing copies of copyrighted material which would infringe on the copyright is prohibited.

4.5.2 The delivery of copies (or portions) of computer programs must be accompanied by a statement to the requestor, signed by the Chief Deputy Director or designee, that the concerned County agency disclaims any and all liability involved in the use and results derived from the program.

4.6 Assistance

4.6.1 Matters concerning the legal aspects of public inspection and copying of County records are to be referred to County Counsel, through the Office of the Chief Deputy Director.



**DEPARTMENT OF MENTAL HEALTH
POLICY/PROCEDURE**

| SUBJECT | POLICY NO. | EFFECTIVE DATE | PAGE |
|---------------------------------|---------------|-------------------|---------------|
| ACCESS TO PUBLIC RECORDS | 104.01 | 10/01/1989 | 5 of 5 |

4.6.2 Questions concerning copy charges and related costs should be directed to the Auditor-Controller, through the Office of the Chief Deputy Director.

AUTHORITY

California Public Records Act, 1968
Government Code, Section 6254

ATTACHMENT

[Government Code, Section 6254](#)