

**STATE OF CALIFORNIA
BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY
DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION
(formerly Department of Business Oversight)**

**Manuel P. Alvarez
Commissioner of Financial Protection and Innovation**

PUBLIC RECORDS ACT REQUEST GUIDELINES

PLEASE TAKE NOTICE:

The following shall constitute the California Department of Financial Protection and Innovation's Public Records Act (PRA) Request Guidelines.

Posting of Guidelines

Government Code section 6253.4 requires the Department of Financial Protection and Innovation (DFPI) to post its Guidelines for access to public records in a conspicuous public place in each of the DFPI's offices. Accordingly, copies of this document will be posted for public review in the designated main reception area of each of the DFPI's regional offices. These Guidelines also will be posted on the DFPI's Internet website at <https://dfpi.ca.gov/open-government/>.

Inspection during Regular Business Hours

Members of the public may inspect documents that are on file with the DFPI by appointment during the DFPI's regular business hours (weekdays from 9 a.m. to 5 p.m.) and at no charge, unless: the DFPI decides to not make the documents available because they are exempted from the mandatory disclosure requirements of the PRA; or the documents are privileged or otherwise confidential.

Duplication and Certification Fees

The DFPI will furnish photocopies of a reasonable number of uncertified documents to any person making a request and paying the appropriate fee of 30 cents per page. Certified copies are also subject for the 30 cents per page copying fee, plus an additional fee of up to \$25 per certificate.

Voluntary Procedures for Filing a Written Request for Records

Convenient Internet Filing

To improve the convenience of filing a PRA request, the DFPI provides a web portal that allows members of the public to submit a request for records electronically at the following URL: <https://docqnet.dfpi.ca.gov/create-pra/>.

Filing by Mail or Fax

To mail or fax a request to inspect or copy records under the PRA, requesters may send a written request via letter or fax to the DFPI's General Counsel's Office, which is responsible for ensuring the DFPI's compliance with the PRA. The contact information for that office is:

California Department of Financial Protection and Innovation
ATTN: PRA Coordinator
General Counsel's Office
2101 Arena Boulevard
Sacramento, CA 95834
<https://dfpi.ca.gov/open-government/>
Fax: (916) 928-7884

Content of Request

In your request, please include a clear description of the record or category of records. It is important that your description be as specific as possible to help us determine which records are responsive to your request. **See sample request letter** below in these Guidelines for a pre-formatted request template which may help you provide us with a more specific description of the records you want.

Written Requests: Not Required but Strongly Encouraged

The DFPI encourages, but does not require, requests to be made in writing unless the request involves records maintained by the DFPI for the purpose of immediate public inspection. Written requests help the DFPI respond to your request as it was made and to correctly identify the records requested. Denials of written requests will be provided in writing. When requests are made orally, the DFPI may confirm the request in writing to ensure it has correctly understood the request.

Timing of Response and Production of Documents

Once the DFPI has received your request to inspect or obtain copies of specified public records, the DFPI has up to 10 days to evaluate your request and determine whether your request seeks copies of records that are exempt from the disclosure requirements of the PRA. This 10-day deadline may, in unusual circumstances, be extended by up to an additional 14 days following written notification by the DFPI Commissioner or a designee.

Once you have been notified of the DFPI's determination, the DFPI will promptly make available for inspection or copying any non-exempt records responsive to your request. We strive to make requested, non-exempt records available to requesters within the 10- or 24- day response time frame whenever possible under the circumstances.

Inspection of Statement of Economic Interests Filings

Members of the public who want to inspect or obtain a copy of an employee's Statement of Economic Interests (Fair Political Practices Commission Form 700) should contact Jeff Marshall in the DFPI's Human Resources Office at (916) 576-7426 to make the necessary arrangements.

An employee's filed Statement of Economic Interests may be inspected at no charge in the Sacramento regional office at any time during the DFPI's normal business hours. Pursuant to Government Code section 81008, a member of the public may obtain a copy of any Statement of Economic Interests filing for a fee not to exceed 10 cents per page.

Approval for Distribution

APPROVED:

MANUEL P. ALVAREZ
Commissioner of Financial Protection and Innovation

By:

BRET LADINE
General Counsel
Department of Financial Protection and Innovation

Dated: September 25, 2020

PUBLIC RECORDS ACT REQUESTS FREQUENTLY ASKED QUESTIONS

What is the California Public Records Act (PRA)?

The California Public Records Act (PRA), Government Code section 6250 *et seq.*, is a state law which gives members of the public the right to inspect or obtain copies of documents on file with any state or local agency, including the California Department of Financial Protection and Innovation (DFPI), provided the documents sought are not exempted from the mandatory disclosure requirements of the PRA. The complete text of the laws of California, including the PRA, is available at <http://leginfo.legislature.ca.gov/faces/codes.xhtml>.

How can I make a written request for records under the PRA?

You have two options to make a written request for records under the Public Records Act.

The easiest and most cost-effective method of filing a request for records involves submission of a written request through the Internet web portal provided by the DFPI at <https://docqnet.dfpi.ca.gov/create-pra/>. Requests sent to the DFPI via this portal are received instantly, unlike regular mail which, in addition to being subject to charges for postage, typically involves a transit delay of at least 2-3 business days.

In the alternative, you also may submit your written request for records to the attention of the DFPI General Counsel's Office via mail or fax. The appropriate address and fax number for this office are provided on Page 2 of the Guidelines. Be sure to include a clear, concise and specific description of the record(s) that you are seeking. This will help us expedite your request and avoid unnecessary follow up communications that could delay production of records.

How long will it take for me to receive a response to my request?

The DFPI will review your request promptly upon receipt, and will, within 10 calendar days from the date the request was received, determine whether you seek identifiable records in the DFPI's possession which are not exempted from mandatory disclosure pursuant to the PRA. Once the DFPI makes that determination it will promptly make available for inspection or copying any non-exempt records responsive to your request. Under unusual circumstances, we may extend this time to respond to your request by an additional fourteen days. The DFPI will notify you when it extends the response time and inform you of the reasons for the extension.

If necessary, DFPI personnel will follow up with you if it appears you may require guidance to make a clearer and more effective request.

Why might my request be denied?

The DFPI may deny your request if it determines the records you are seeking are privileged, confidential or otherwise exempt from mandatory disclosure under the PRA, or if the requested records are not found. The DFPI will notify you if it makes this determination.

Where and when can I inspect documents responsive to my request?

You may inspect documents the DFPI makes available in response to your request by appointment during the DFPI's normal business hours. There is no charge to inspect public records. For your convenience, records responsive to your request can be forwarded to any one of the following regional DFPI offices closest to you for inspection by appointment:

SACRAMENTO – HEADQUARTERS

2101 Arena Boulevard
Sacramento, CA 95834
Reception Desk: (916) 327-7585
Fax: (916) 928-7884

SAN FRANCISCO

One Sansome Street, Suite 600
San Francisco, CA 94104-4428
Reception Desk: (415) 972-8565

LOS ANGELES – JUNIPERO SERRA BLDG.

320 West 4th Street, Suite 750
Los Angeles, CA 90013-2344
Reception Desk: (213) 576-7500

SAN DIEGO – METROPOLITAN DRIVE

7575 Metropolitan Dr., Suite 108
San Diego, CA 92108-4421
Reception Desk: (619) 682-7227

LOS ANGELES – RONALD REAGAN BLDG.

300 S. Spring St., Suite 15513
Los Angeles, CA 90013-1259
Reception Desk: (213) 897-2085

SAN DIEGO – FRONT STREET

1350 Front St., Room 2034
San Diego, CA 92101-3697
Reception Desk: (619) 525-4233

How do I obtain copies of records? How much does it cost?

You may obtain certified copies or uncertified copies of documents that are not exempted from the mandatory disclosure requirements of the PRA. The cost for certification is up to \$25 per certificate, plus 30 cents for each page certified. The cost for uncertified copies is 30 cents per page. There is a charge of \$1 per page for any copies sent by fax.

What is a certificate of search?

A certificate of search is issued and signed by a custodian of records in response to a public request for DFPI records. A certificate of search states the custodian has diligently performed an index search of DFPI records to determine whether they contain any filings relevant to the request. If the search discloses no such findings, the custodian will so indicate on the certificate. (See sample certificate of search on page 7.) A certificate of search often is used during legal proceedings by one or both parties to prove whether a document exists without the need to obtain direct in-court testimony from the custodian of records.

SAMPLE LETTER OF REQUEST FOR RECORDS UNDER THE CALIFORNIA PUBLIC RECORDS ACT

[Date]

California Department of Financial Protection and Innovation
ATTN: PRA Coordinator
General Counsel's Office
2101 Arena Boulevard
Sacramento, CA 95834

[VIA REGULAR MAIL] or [VIA FAX: (916) 928-7884]

Re: Public Records Act Request

Dear Sir/Madam:

Pursuant to the California Public Records Act (PRA), Government Code section 6250 *et seq.*, I hereby request **[access to]** and/or **[copies of]** the following documents, which I have reason to believe may be filed with, retained by, or prepared by the Department of Financial Protection and Innovation (DFPI):

[Insert reasonable description of an identifiable record or records as required by Government Code section 6253, subdivision (b).]

Please respond within 10 calendar days from the date the DFPI receives this request as to whether this request specifies identifiable records that are not exempted from mandatory disclosure under the PRA, or that are privileged or otherwise confidential, and therefore are subject to disclosure. I understand this time may be extended up to 14 days in unusual circumstances, as provided by Government Code section 6253, subdivision (c), and that I will be notified of such an extension and the reasons for the extension.

I understand I may obtain copies of the requested documents at a cost of 30 cents per page and may obtain certified copies at a cost of up to \$25 for each certificate, plus 30 cents for each certified page. I further understand copies may also be sent to me via fax at a cost of \$1 per page.

I also am aware if the requested records are too voluminous, the DFPI may provide me access to the records to review and photocopy with my own equipment and at my own expense.

Sincerely,

[Your Name]

[Your contact information]

SAMPLE CERTIFICATE OF SEARCH

**STATE OF CALIFORNIA
BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY
DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION**

CERTIFICATE OF SEARCH

I (**Insert Name and Title**), an official custodian of records for the Department of Financial Protection and Innovation of the State of California, hereby certify that a diligent search has been made of the records of the Department of Financial Protection and Innovation. As of (**Insert Date of Search**) the Department's records do not disclose any filing for (**Insert Description of Search Request**) under **Insert Legal Authority** (e.g. the Corporate Securities Law, California Finance Lenders Law, California Banking Law, California Deferred Deposit Transaction Law).

Results of Search for Records:

This certificate is issued pursuant to a request from (**Insert Name and Address of Requesting Party**).

Dated: September 1, 2020
Sacramento, California

MANUEL P. ALVAREZ
Commissioner of Financial Protection and Innovation

BY:

<SEAL OF THE COMMISSIONER>

Insert Name
Office Services Manager