

MANAGED RISK MEDICAL INSURANCE BOARD GUIDELINES FOR ACCESS TO PUBLIC RECORDS

The following are the guidelines for accessing public records at the Managed Risk Medical Insurance Board (“MRMIB”).

Form of Request. Requests may be made orally, via email or in writing whether or not the request refers to the Public Records Act. However, to assist MRMIB in responding to the request, it would be helpful for the requestor to refer to the Public Records Act.

Direct the Request to the MRMIB Public Records Act Coordinator. The MRMIB Public Records Act Coordinator is responsible for facilitating responses to public records requests. While the request does not have to be directed to the Public Records Coordinator, directing the request to the Coordinator will make it easier for MRMIB to track and process the request and may result in receiving a more prompt response. The Public Records Act Coordinator may be contacted as follows:

MRMIB Public Records Act Coordinator
1000 G St., Suite 450,
Sacramento, CA 95814
(916) 324-4695
Externalaffairs@mrrib.ca.gov

Written Requests Encouraged. MRMIB encourages, but does not require, requests for records to be made in writing unless the request involves records maintained by MRMIB for the purpose of immediate public inspection. Written requests help MRMIB to respond to the request and correctly identify the records requested. When requests are made orally, MRMIB may confirm the request in writing to ensure it has correctly understood the request.

Records Defined. “Records” include any writing owned, used or maintained by MRMIB in the conduct of its official business. Writings include information recorded or stored on paper, computers, email, audio or visual tapes.

Identifying Records. In order to help MRMIB to provide records promptly, requestors should provide as much information as possible about the records they seek. When the request is not sufficiently specific, MRMIB staff will help the requester to identify the information needed. MRMIB staff also may, as needed, describe how the records are maintained and provide suggestions on how to overcome practical barriers to disclosure.

Inspection of Public Records. Public records maintained by MRMIB are available for inspection during MRMIB’s regular business hours. Members of the public are not required to give notice in order to inspect public records during MRMIB’s normal working hours. However, depending on the location of the records and the time reasonably required to collect, examine, produce or, if required, redact the record, the records may not be immediately available for inspection. In order to avoid having to wait

to inspect the records for the reasons described above, MRMIB encourages requests for records to be made in writing. In order to prevent records being lost, damaged or destroyed during an inspection, MRMIB employees may determine the location of, and may monitor, the inspection.

Processing Requests for Copies of Records. When a copy of a record is requested, within 10 calendar days after receipt of the request MRMIB will determine whether to comply with the request and inform the requester of its decision and the reasons for the decision. At the time of MRMIB's determination, if there are disclosable public records, it will provide the estimated date and time when the records will be made available. The initial 10-day period may be extended for up to additional 14 calendar days if MRMIB needs to:

- Search for and collect the requested records from establishments that are in another location from the office processing the request;
- Search for, collect and examine a voluminous amount of records;
- Consult with other divisions or agencies having substantial interest in the determination of the request ;or
- Compile data, write programming language or a computer program or construct a computer record to extract data.

If the 10-day period is extended, within the 10-day period MRMIB will give the requester written notice of the extension. If the request was made in writing and MRMIB denies the request, it will do so in writing. When requests are made orally, MRMIB may confirm the request in writing to ensure it has correctly understood the request.

Copying Fees. MRMIB may charge the direct costs of duplication when it provides copies of records to the public. At present, the direct cost of duplication of hard copies is ten cents (\$.10) per page. The direct cost of duplication includes the pro rata expense of duplicating equipment and the staff (salary/benefits) required to make a copy of the record. Direct cost of duplication does not include the staff person's time in researching, retrieving, redacting and mailing the record. However, MRMIB will not charge the requester for the direct costs of duplication when the total cost of duplication is less than twenty dollars (\$20).

When MRMIB must compile electronic data, extract information from an electronic record, or undertake computer programming to satisfy a request, MRMIB may require the requester to bear the full cost, not just the direct costs of duplication.

Exemptions. MRMIB will provide access to all public records unless the law provides an exemption from mandatory disclosure. The most common exemptions from disclosure of records maintained by MRMIB are:

- Personal information, including medical or enrollment information.
- Records related to certain program activities that reveal the deliberative processes, discussions, communications, or any other portion of contract negotiations or 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.
- For one year from execution, certain contracts for health, dental or vision coverage, or amendments to these contracts.
 - For four years from execution, the portion of certain contracts for health, dental or vision coverage containing rates of payment.
 - Trade secrets.

In most circumstances, when MRMIB removes or redacts exempt information from the record, it will disclose the remainder of the record.

Identification of Requestors. MRMIB personnel will not demand that persons requesting to inspect records provide their identification, or the reasons for wanting to inspect records. However, if records are to be picked up or mailed to a requester, relevant identifying information must be provided. Persons wishing to enter secured parts of MRMIB's building must comply with MRMIB's security protocol, including providing identification. For security, access beyond MRMIB's reception area currently requires that individuals disclose their names.