

VINCE FONG

MEMBER FOR THE 32ND ASSEMBLY DISTRICT



FACT SHEET

AB 469 – Public Records Act Ombudsperson

IN BRIEF

Government must serve the people and be transparent. Unfortunately, the state government is not always transparent and denies requests for information.

Assembly Bill 469 establishes a California Public Records Act (PRA) Ombudsperson to serve as an independent, nonpartisan referee to review denied PRA requests and determine if the agency had legitimate grounds to deny the request.

BACKGROUND & ISSUE

By design, the California PRA ensures transparency and grants each individual in the state the right to access information concerning the people's business. Unfortunately, many state agencies have a troubling track record of rejecting PRA requests by citing irrelevant and inappropriate exemptions.

The California Public Records Act does not include any provisions regarding an individual's right to appeal a denied PRA request. This loophole has created an avenue for state agencies to deny PRA requests without repercussion, knowing that the public has no recourse other than to file a costly lawsuit against the agency.

State agencies notoriously reject PRA requests by citing exemptions that have no relation to the request in question. Given the Act's intent to increase accountability and transparency within the State's proceedings, it is essential to have a structure and process in place that prevents state agencies from abusing the PRA exemption process and rejecting an individual's right to access public information.

Over the course of the COVID-19 pandemic, Californians struggled under the Employment Development Department's (EDD) inability to effectively release benefits while paying out billions in fraudulent claims. The EDD should have been more forthcoming with the public. With the livelihoods of countless Californians put in limbo, the state should not rob the public of information crucial to holding their government accountable.

SOLUTION

AB 469 addresses this deficiency by establishing a nonpartisan, independent ombudsperson who — at the request of the individual or group who submitted the request — can review the denied request and serve as a referee on whether the agency has legitimate grounds to deny the request.

The ombudsperson will review denied PRA requests within 30 days and determine if the respective agency has “improperly denied disclosure of the public record or records.”

The ombudsperson will ensure that no individual or organization is denied the opportunity to appeal a rejected PRA request because they cannot afford formal legal proceedings.

AB 469 will grant the public an instrument of accountability and bring additional transparency to the California Public Records Act process.

SUPPORT

California News Publishers Association
Oakland Privacy
Howard Jarvis Taxpayers Association
Ryan, LLC.
California Association of Licensed Investigators
California Association of Bond Oversight Committees

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