April 7, 2026

VIA PORTAL

The Honorable Ash Kalra
Chair, Assembly Judiciary Committee
1020 N Street, Room 104
Sacramento, CA 95814

OPPOSE — AB 1821 (Pacheco) as amended April 6

Dear Chair Kalra and Members of the Committee:

The undersigned organizations – diverse in our missions but united in pursuit of government transparency – write in opposition to AB 1821 (Pacheco), which would frustrate public access to information by giving government agencies more time to provide initial responses to anyone seeking information under the California Public Records Act. That initial response does not require agencies to produce records. It simply requires them to say whether they have responsive records and whether those records will be disclosed or withheld. AB 1821 would allow government agencies to delay this straightforward, threshold communication, undermining the CPRA's core promise of prompt transparency.

We appreciate the recent amendments removing the provisions that would have allowed government agencies to build a financial wall around records by imposing unspecified and uncapped fees on records requesters. However, we remain opposed to AB 1821, as amended, because it would slow a process that is already mired in delays without consequence.

AB 1821, as amended, would give all agencies covered by the act more time — 10 *business* days instead of *calendar* days — to provide an initial threshold response to a records request. That response need only state whether the agency is in possession of disclosable records and an estimated date of production. Agencies can already extend that response by up to 14 days in specified unusual circumstances. AB 1821 would similarly convert that extension to 14 *business* days.

This existing 10-or-24-calendar-day timeline does not pose an undue burden on agencies. Converting these periods to *business* days would often, however, allow agencies to take well over a month simply to inform a requester whether responsive records exist. For example, a request submitted on a Thursday evening or Friday morning would effectively gain four additional days across two weekends. And when agencies invoke the 14-day extension — as they often do — the initial response could stretch to 34 days from the date of the request, even without holidays. This delay is especially untenable for time-sensitive records, where the value of the information diminishes quickly and timely oversight depends on prompt confirmation that records exist.

The current timeline reflects the Legislature's recognition that agencies should be able to make this basic determination quickly. Extending the time to provide that routine response would normalize delay at the very outset of the request process, postponing accountability before the public even knows whether records are in the agency's possession. These early delays also compound downstream: requesters cannot effectively narrow requests, challenge improper withholdings, or plan for oversight when agencies are permitted to take longer simply to acknowledge whether responsive records exist.

Agencies already have flexibility and minimal liability for delays.

The act places no specific deadline on agencies to disclose records, even if the request is for a single, easily identifiable, and readily available document or piece of data. *See Motorola Communication & Electronics, Inc. v. Department of General Services*, 55 Cal. App. 4th 1340, 1349 (1997) (recognizing that the CPRA "does not specify when records must be produced to a requesting party").[1] Under current law, a government agency merely must respond to a requester within "10 days from receipt of the request" to indicate whether it has responsive records. Govt. Code § 7922.535(a). In "unusual circumstances," the time to respond may be extended by up to 14 days. Govt. Code § 7922.535(b). If an agency claims "unusual circumstances," it must

[1] An exception applies to records covered by SB 1421 and SB 16 (Skinner), landmark transparency legislation that increased transparency over law enforcement uses of force and misconduct. Except for certain delays authorized during pending investigations or proceedings, such records "shall be provided at the earliest possible time and no later than 45 days from the date of a request for their disclosure." Penal Code § 832.7(b)(11). This legislative reform recognizes the important public policy served by more timely processing.

A similar exception applies for records covered by SB 519 (Atkins), which increases access to records about local jail deaths. Except for delays specifically authorized in that law, such records "shall be provided at the earliest possible time and no later than 45 days from the date of a request for their disclosure."

provide "written notice … setting forth the reasons for the extension and the date on which a determination is expected to be dispatched." Govt. Code § 7922.535(b).

Agencies have many tools to help them make this an effective and workable process. For example, agencies may simplify the process by posting frequently requested records online and referring requesters to the relevant website. Govt. Code § 7922.545. In addition, when a person "requests to inspect a public record or obtain a copy of a public record," the public agency is required "to the extent reasonable under the circumstances" to help the requester make a focused and effective request that reasonably describes an identifiable record or records. Govt. Code § 7922.600(a). This includes assisting the requester in identifying responsive records, describing where and how the records are maintained, and suggesting ways to overcome practical barriers to access. *Id*. The CPRA provides that nothing in it "shall be construed to permit an agency to delay or obstruct the inspection or copying of public records." Govt. Code § 7922.500.

The Legislature and some local governments[2] have advanced and embraced transparency reforms, such as the police and jail transparency provisions noted above, which came with tighter deadlines for disclosure. These provisions were adopted in recognition that delays are systemic and timely public access is essential for the health of our democracy. Lawmakers should continue that work and incentivize better agency response.

Timely public records access makes communities stronger.

Timely access to public records is essential for organizations and individuals to do the work of keeping our government accountable and working for the public. Advocates rely on government records to evaluate public employee pension spending. Civil liberties advocates need transparency to investigate implementation of policy reforms such as the Racial Justice Act. Legal aid groups need it to examine police treatment of unhoused people. Immigration rights groups need it to monitor sheriff's deputies' activities at controversial and deadly federal immigration raids in our state. Privacy advocates use it to track police surveillance, such as through automated license plate reader programs (ALPR). Routine records that are readily identifiable and should be made promptly available include, for example, a letter of resignation, severance agreement, claim for damages or contracts.

[2] San Francisco Administrative Code Sec. 67.25 provides "a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request." It acknowledges that "maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request."

Transparency is the lifeblood of accountability in government. Accountability is how the people keep the government on course. If the people don't know what the government is up to in a timely manner, they can't hold it accountable.

We welcome the chance to work collaboratively with government representatives to develop balanced solutions and best practices that both reduce burdens and improve transparency. AB 1821 is not a solution and for the reasons stated above, we respectfully oppose the measure.

For these reasons, we respectfully request a no vote. Please don't hesitate to contact Ginny LaRoe of the First Amendment Coalition at (916) 225-5780.

Sincerely,

Ginny LaRoe, Advocacy Director
FIRST AMENDMENT COALITION

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cc:

Honorable Blanca Pacheco, Vice Chair Alexandra M. Macedo and members of the committee
Nicholas Liedtke, Chief Counsel, Assembly Judiciary
Kristian Wright, Counsel, Assembly Judiciary