

ASSEMBLY THIRD READING

AB 1821 (Pacheco)

As Amended April 6, 2026

Majority vote

SUMMARY

Extends the deadlines for public agencies to provide an initial response to a public records request, by converting the current "calendar day" deadlines to a "business day" standard.

Major Provisions

- 1) Requires agencies to determine whether a public record request seeks copies of disclosable public records in possession of the agency and to promptly notify the person as described above within 10 business days of a request for a copy of records.
- 2) Provides that an agency's deadline to determine whether a public record request seeks copies of disclosable public records in possession of the agency may be extended by written notice, in specified unusual circumstances, within no more than 14 business days of the above-mentioned ten-day period.

COMMENTS

Existing law requires a public agency to determine whether it has disclosable public records in its possession within ten days of receiving a request from the public for those records or, in specified unusual circumstances, within 14 days. This bill extends those deadlines by specifying that public agencies can provide this response within ten *business days*, and 14 *business days* of the ten-day period, in specified unusual circumstances.

Public Access to Public Records. Access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Government Code Section 7921.000. All further references are to this code unless otherwise noted.) In 2004, the right of public access was enshrined in the California Constitution with the passage of Proposition 59 (Nov. 3, 2004, statewide general election), placed on the ballot by a unanimous vote of both houses of the Legislature. SCA 1 (Burton) Chapter 1, Statutes of 2004, amended the California Constitution to specifically protect the right of the public to access and obtain government records: "The people have the right of access to information concerning the conduct of the people's business, and therefore . . . the writings of public officials and agencies shall be open to public scrutiny." (Cal. Const., art. I, sec. 3 (b)(1).) In 2014, voters approved Proposition 42 (Jun. 3, 2014, statewide direct primary election), placed on the ballot by a unanimous vote of both houses of the Legislature, (SCA 3 (Leno) Chapter 123, Statutes of 2013), to further increase public access to government records by requiring local agencies to comply with the CPRA and the Ralph M. Brown Act, and with any subsequent statutory enactment amending either act, as provided. (Cal. Const., art. I, sec. 3 (b)(7).)

Under the California Public Records Act (CPRA), public records are open to inspection at all times during the office hours of a public agency for inspection by the public, unless exempted. (Section 7922.525.) A public record is defined as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any public agency regardless of physical form or characteristics. (Section 7920.530.) Despite the CPRA's general rule that public records are open to inspection and subject to disclosure, the CPRA provides

exceptions providing that a document, or a portion thereof, is not subject to public disclosure. An exemption can be explicit in the CPRA itself, pursuant to another law, or justified by the agency's determination that, based on the facts of the particular case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (See Sections 7922.000, 7922.525, 7922.530.)

Currently, the CPRA allows a public agency 10 days or, in specified unusual circumstances, an additional 14 days after the 10-day period to respond to a request for the requested public record. (Section 7922.535 (a) – (c).) In its initial response, an agency does not have to provide the public records being requested, but it must determine whether a given request seeks copies of disclosable records in its possession and notify the requester of its determination and the underlying reasons for its determination. (*Ibid.*)

This bill extends the deadlines for agencies to provide this initial response by converting the current calendar-day deadlines to a business-day standard. Specifically, an agency would be required to make its determination regarding whether it has disclosable records and notify the requester of its determination and the reasons for that determination, within ten business days of receiving the request. Similarly, agencies would be allowed to extend this deadline by 14 business days of the ten-day period, in specified unusual circumstances.

Under existing law, these deadlines continue to toll without accounting for weekends when most public staff are given leave, reducing the number of working days agencies have to provide their initial response. Because of this dynamic, if an agency receives a request for records on a Friday shortly before the close of business, agency staff are unlikely to be able to begin reviewing and analyzing the request until the following Monday, leaving staff with two fewer working days to provide a response. By acknowledging that most agency staff are likely to review requests on working days only, this bill better aligns the CPRA with the operational realities of most agencies.

Despite recent amendments, opponents contend that this bill would permit agencies to further delay responding to Public Records Requests. This bill is opposed by a coalition of journalists and government watchdogs. Despite recent amendments that dramatically narrowed the scope of the bill, the opponents contend that the current calendar-day deadlines do not present an undue burden to agencies and further extensions slow a process that is already severely delayed without consequence. However, it appears that many of these concerns are rooted in the provision of existing law, and local agencies' reluctance to comply with the law in good faith.

The Judiciary Committee concedes that widespread delays in complying with Public Record Act requests are a valid problem. However, recognizing that weekends exist and that many local agencies do not have the budgetary flexibility to pay overtime to handle public records requests, the extensions provided for in this bill are modest and reflect the current day-to-day operations of agencies, which must continually provide a wide variety of other essential services to the public.

According to the Author

The California Public Records Act (CPRA) serves as a tool for transparency and accountability in government. By allowing the public to access records related to official actions and decision-making, the CPRA empowers communities to hold government accountable and helps ensure public institutions remain responsive.

In recent years, public agencies have seen a significant increase in public records requests. As digital communication has expanded, submitting requests – often in high volume – has become easier than ever. Some requests are unusually large or require substantial staff time to fulfill. When a small number of requests consume a disproportionate share of resources, agencies can face challenges keeping up with all requests in a timely manner while still providing essential services.

AB 1821 specifies that processing agencies' response times should be tied to business days rather than calendar days. This small change ensures that agencies' timelines actually align with the hours they work. As a result, agencies may continue to respond to requests in a timely manner without being held to timelines that fall outside of standard business or processing hours.

Arguments in Support

The California State Association of Counties, League of California Cities, California Municipal Clerks Association, Rural County Representatives of California, and Urban Counties of California write in support of this bill. Collectively, they submit:

AB 1821 provides an important and practical clarification to CPRA response timelines. The bill's shift from "calendar days" to "business days" for initial determinations and extensions is a common-sense update that reflects the operational realities of local agencies. Public agencies generally do not have staff available on weekends or holidays, yet current law continues to toll CPRA deadlines during these periods. A business-day standard ensures agencies have the full, intended number of working days to conduct thorough and accurate searches for disclosable records.

Under existing law, agencies must determine within 10 days whether a request seeks disclosable records, with a possible 14-day extension in unusual circumstances. Neither timeframe accounts for weekends or holidays when staff are unavailable. AB 1821 corrects this discrepancy by converting these periods to business days, helping agencies comply with the law more effectively and consistently.

Arguments in Opposition

A coalition of organizations, including the First Amendment Coalition, ACLU California Action, Oakland Privacy, Howard Jarvis Taxpayers Association, California News Publishers Association, Buen Vecino, and the National Housing Law Project in opposition to the bill state:

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.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, no known state impact. To the extent the bill reduces overtime costs or litigation exposure associated with missed deadlines, savings would accrue to affected state agencies (various funds) and are likely minor and not quantifiable.

VOTES

ASM JUDICIARY: 8-2-2

YES: Kalra, Bauer-Kahan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

NO: Macedo, Sanchez

ABS, ABST OR NV: Bryan, Dixon

ASM APPROPRIATIONS: 11-2-2

YES: Wicks, Arambula, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Solache, Tangipa

NO: Hoover, Ta

ABS, ABST OR NV: Calderon, Muratsuchi

UPDATED

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