
THIRD READING

Bill No: AB 1821
Author: Pacheco (D)
Amended: 6/25/26 in Senate
Vote: 21

SENATE JUDICIARY COMMITTEE: 12-0, 6/30/26

AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern,
Valladares, Weber Pierson, Wiener

NO VOTE RECORDED: Wahab

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 55-12, 5/27/26 - See last page for vote

SUBJECT: California Public Records Act: agency response time

SOURCE: Author

DIGEST: This bill specifies that the number of days an agency has to make a determination on a request for records of whether the agency is in possession of the requested records and whether they will be disclosed is 10 business days, and that this 10-day period can be extended for specified unusual circumstances for 14 business days.

ANALYSIS: Existing law:

- 1) Provides, pursuant to the California Constitution, that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny. (California Constitution, art. I, § 3(b)(1).)
 - a) Requires a statute to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. (Cal. const. art. I, § 3(b)(1).)

- b) Requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)
- 2) Governs the disclosure of information collected and maintained by public agencies pursuant to the California Public Records Act (CPRA). (Government Code §§ 792.000 et seq.)
- a) States that, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code § 7921.000.)
 - b) Defines "public records" as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. (Gov. Code § 7920.530.)
 - c) Defines "public agency" as any state or local agency. (Gov. Code § 7920.525(a).)
- 3) Provides that all public records are open to inspection at all times during the office hours of a state or local agency and every person has a right to inspect any public record, unless the record is exempt from public disclosure. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law. (Gov. Code § 7922.525.)
- a) Some records are prohibited from being disclosed and other records are permissively exempted from being disclosed. (See e.g. Gov. Code §§ 7920.505 & 7922.200.)
 - b) There are several general categories of documents or information that are permissively exempt from disclosure under the CPRA essentially due to the character of the information. The exempt information can be withheld by the public agency with custody of the information, but it also may be disclosed if it is shown that the public's interest in disclosure outweighs the public's interest in non-disclosure of the information. (*CBS, Inc. v. Block* (1986) 42 Cal.3d 646, at 652.).

- 4) Requires a public agency to make a determination within 10 days of a records request on whether the agency is in possession of the requested records and whether they are disclosable records, either in part or full, including an explanation for the agency's determination and an estimated date and time the records will be made available. (Gov. Code § 7922.535(a).)
- 5) Authorizes an agency to extend the response period in 4), above, by 14 days in specified "unusual circumstances." (*Id.* at subd. (b)(1)-(6).)

This bill:

- 1) Specifies that the response period in 4), above, is 10 business days.
- 2) Specifies that the response period in 5), above, is 14 business days.

Comments

Access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code § 7921.000.) 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),¹ which 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)² to further increase public access to government records by requiring local agencies to comply with the CPRA and the Ralph M. Brown Act³, and with any subsequent statutory enactment amending either act, as provided. (Cal. Const., art. I, sec. 3 (b)(7).)

Under the CPRA, public records are open to inspection by the public at all times during the office hours of the agency, unless exempted from disclosure. (Gov. Code § 7922.252.) A public record is defined as any writing containing

¹ Prop. 59 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 1 (Burton, Ch. 1, Stats. 2004)).

² Prop. 42 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 3 (Leno, Ch. 123, Stats. 2013)).

³ The Ralph M. Brown Act is the open meetings laws that applies to local agencies. (Gov. Code §§ 59450 et. seq.)

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. (Gov. Code § 7920.530.) The California Supreme Court stated in *City of San Jose v. Superior Court* ((2017) 2 Cal.5th 608, at 617):

Given the strong public policy of the people's right to information concerning the people's business [Gov. Code § 7921.000] and the constitutional mandate to construe statutes limiting the right of access narrowly (Cal. Const. art. I, § 3, subd. (b)(2)), all public records are subject to disclosure unless the Legislature has *expressly* provided to the contrary.

The courts have also held that the CPRA “was enacted for the purpose of increasing freedom of information by giving members of the public access to information in the possession of public agencies.” (*Filarsky v. Superior Court* (2002) 28 Cal.4th 419, at 425.)

The CPRA requires a public agency to make a determination within 10 days of a records request on whether the agency is in possession of the requested records and whether they are disclosable records, either in part or full, including an explanation for the agency's determination and an estimated date and time the records will be made available. (Gov. Code § 7922.535(a).) The CPRA allows an agency to extend that response period by 14 days in specified “unusual circumstances.” (*Id.* at subd. (b).) These “unusual circumstances” are: (1) needing to search for and collect the requested records from facilities that are separate from the office processing the request; (2) needing to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request; (3) needing to consult with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein; (4) needing to compile data, to write programming language or a computer program, or to construct a computer report to extract data; (5) when the agency is unable to access its electronic servers or systems, due to a cyberattack, in order to search for and obtain a record that the agency believes is responsive to a request and is maintained on the servers or systems in an electronic format; or (6) when needed to search for, collect, and appropriately examine records during a state of emergency proclaimed by the Governor in the jurisdiction where the agency is located. (*Id.* at subd. (b)(1)-(6).)

This bill provides that the number of days an agency has to respond as described above, is 10 *business* days and for unusual circumstances, an additional 14 *business* days to respond. Proponents argue that a business-day standard ensures

agencies have the full intended amount of working days to prepare initial responses to record requests. Some opponents contend that the current calendar-day deadlines do not present an undue burden to agencies, and any further extensions will slow down a process that many advocates argue is already severely delayed.

Widespread reports of burdensome delays in accessing public records has been a problem reported to the Committee by advocates for many years. Unnecessary delays undermine the important public policy goals of transparency and accountability that the CPRA promotes to ensure a robust and healthy democracy. However, specifying that the response time is business days recognizes that most agencies are not open on weekends and holidays and provides breathing room to agencies in managing their day-to-day operations.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 8/4/26)

Alameda County Office of Education
Association of California School Administrators
California Association of Recreation & Park Districts
California Association of School Business Officials
California Clerk of the Board of Supervisors Association
California Municipal Clerks Association
California Special Districts Association
California State Association of Counties
City of Bakersfield
City of Bellflower
City of Buena Park
City of Canyon Lake
City of Capitola
City of Carlsbad
City of Cloverdale
City of Concord
City of Corona
City of Coronado
City of Cupertino
City of El Cajon
City of El Cerrito
City of Fontana
City of Foster City
City of Grass Valley

City of Hesperia
City of Los Alamitos
City of Modesto
City of Monterey Park
City of Moorpark
City of Mountain View
City of Needles
City of Norwalk
City of Oakland
City of Oxnard
City of Paramount
City of Pico Rivera
City of Rancho Cucamonga
City of Redding
City of Riverside
City of Rohnert Park
City of Rolling Hills
City of Rolling Hills Estates
City of San Jose
City of Santa Monica
City of Scotts Valley
City of St. Helena
City of Sunnyvale
City of Thousand Oaks
City of Tulare
City of Vacaville
City of Woodland
Coachella Valley Water District
County of Fresno
County of Inyo
County of Kern
County of Mendocino
County of Monterey
County of Napa
County of Riverside
County of Solano
CPRA Processors Working Group
Dublin San Ramon Services District
League of California Cities
Los Angeles Unified School District

Mckinleyville Community Service District
Orange County Council of Governments
Orange County Fire Authority
Rural County Representatives of California s
San Bernardino County
Shasta County Board of Supervisors
Town of Hillsborough
Urban Counties of California

OPPOSITION: (Verified 8/4/26)

Adu Rights.org
Alliance for Boys and Men of Color
Alliance of Californians for Community Empowerment (ACCE) Action
American Friends Service Committee
Anti Police-terror Project
Association of Alternative Newsmedia Publishers
Bend the Arc: Jewish Action, California
Black Lives Matter California
CAIR California
California Advocates for Nursing Home Reform
California Coalition for Sheriff Oversight
California Faculty Association
California League of United Latin American Citizens
California News Publishers Association
California Rural Legal Assistance Foundation
Californians for Pesticide Reform
Cancel the Contract
Care First California
Center for Juvenile Law and Policy, Loyola Law School
Center for Policing Equity
Check the Sheriff
Child Care Law Center
Cleaneearth4kids.org
Communities United for Restorative Youth Justice (CURYJ)
Community Legal Services in East Palo Alto
Courage California
Dignity and Power Now
Disability Rights California
Disability Rights Education & Defense Fund (DREDF)
East Bay Sanctuary Covenant

Environmental Working Group
Family Violence Appellate Project
Fight for the Future
Friends of the Eel River
Gente Organizada
Humboldt Waterkeeper
In Our Care San Mateo County
Inland Coalition for Immigrant Justice
Justice Teams Network
Justice2jobs Coalition
LA Defensa
LA Voice
Leadership Counsel for Justice and Accountability
League of United Latin American Citizens (LULAC)
Local 148 Los Angeles County Public Defender's Union
Los Angeles Community Action Network
Los Angeles Press Club
Mexican-american Legal Defense and Ed Fund [maldef]
National Housing Law Project
National Lawyers Guild - Los Angeles (NLG-LA)
Orale: Organizing Rooted in Abolition Liberation and Empowerment
Orange County Rapid Response Network
Parents Against Child Sexual Abuse
Partnership for the Advancement of New Americans
Pillars of the Community
Public Counsel
Public Interest Law Project
Reform Whittier
San Diego Pro Chapter of the Society of Professional Journalists
Saving Lives in Custody California
Secure Justice
Services, Immigrant Rights and Education Network (SIREN)
Sister Warriors Freedom Coalition
Starting Over Strong
Stop Lapd Spying Coalition
Surfrider Foundation
The Ark
The Black Alliance for Just Immigration
The Daily Californian
The Wage Justice Center

Transparent California
Trial Impact Project
Unite Here Local 11
University of Florida, College of Journalism and Communications
University of San Francisco Racial Justice Clinic
Western Electrical Contractors Association
Youth Justice Coalition (note - There Is No Drop Down List Available.)
Youth Law Center (UNREG)
18 individuals

ARGUMENTS IN SUPPORT: The author writes:

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.

The California Special Districts Association writes:

[...] Under current law, requests made pursuant to the California Public Records Act (CPRA) require that a public agency, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency. In unusual circumstances, an agency is permitted to extend that time, but they remain prohibited from specifying a date that would result in an extension for more than 14 days. Neither of these timeframes account for the fact that public agencies generally grant staff weekends and holidays off; during those periods, the time an agency has remaining to respond to a CPRA request continues tolling,

notwithstanding the fact that there are no staff members available to be responsive to a request or search for records. AB 1821 would rectify this discrepancy by providing that the 10-day and 14-day periods referenced above span business days rather than calendar days, thereby solving the issue encountered when weekends and holidays fall within the timeframe of a CPRA request. [...]

ARGUMENTS IN OPPOSITION: Disability Rights California writes in opposition, stating:

AB 1821's proposed shift from a calendar to a business day timeline would normalize delay and further disadvantage communities that depend on timely access to information. This erodes the value of time-sensitive information and weakens public oversight. The Legislature has repeatedly recognized that prompt access is essential to democratic accountability, especially in areas like policing, incarceration, and public spending where transparency gaps disproportionately harm marginalized communities. Extending response times would compound existing inequities, making it harder for people to challenge government decisions, participate in civic life, and advocate for justice.

ASSEMBLY FLOOR: 55-12, 5/27/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bauer-Kahan, Berman, Boerner, Bonta, Calderon, Caloza, Carrillo, Connolly, Dixon, Ellis, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Irwin, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Tangipa, Valencia, Wicks, Wilson, Zbur, Rivas
NOES: Bains, Davies, DeMaio, Gallagher, Hoover, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta, Wallis

NO VOTE RECORDED: Bennett, Bryan, Castillo, Chen, Elhawary, Flora, Fong, Gabriel, Hadwick, Jackson, Ortega, Celeste Rodriguez, Ward

Prepared by: Amanda Mattson / JUD. / (916) 651-4113

8/5/26 15:04:20

**** END ****