

Guidelines for Accessing Public Records



The public has a right under the California Public Records Act and the California Constitution to access governmental agencies' public information. As a governmental agency, the California Department of Insurance (CDI) stores publicly-accessible records. In accordance with Government Code section 6253.4, CDI's written guidelines for the accessibility of records are set forth below.

For more information, please see our [Frequently Asked Questions](#) about accessing CDI's public records.

Direct Your Request to the Custodian of Records.

CDI's Custodian of Records is responsible for facilitating responses to all public records requests. Although we also attempt to process records requests directed to other CDI staff, if you direct your request to the Custodian of Records, it makes it easier for us to track and process your request more promptly. Contact the Custodian of Records by mail, phone or e-mail at:

**California Department of Insurance
Custodian of Records
300 Capitol Mall
Suite 1700
Sacramento, CA 95814
Phone: (916) 492-3657
Email: CustodianOfRecords@insurance.ca.gov**

Identifying Records

A request for inspection or copying of public records should be specific and focused. When records cannot be identified by name, please be as detailed as possible in describing the records, based on their content. When known, the request should also specify the office, division, branch or section of CDI which created and has ownership responsibility for the desired records. Where the request is not specific and focused, CDI staff will assist the requester in identifying the requested information, describing the technology or physical location of records, and providing suggestions for overcoming practical barriers to the disclosure.

Inspection of Public Records

Physical inspection of records shall be permitted within CDI offices, institutions or facilities and under the conditions CDI determines. The operational functions of CDI, its facilities, institutions and offices will not be suspended to permit inspection of records during periods in which CDI staff reasonably require such records for the performance of their duties. Upon either the completion of the inspection or the oral request of CDI staff, the person conducting the inspection shall relinquish physical possession of the records. Persons inspecting CDI records shall not destroy, mutilate, deface, alter or remove any such records from CDI offices. CDI reserves the right to have CDI staff present during the inspection of the records in order to prevent the loss or destruction of the records. If a request requires review of numerous records, CDI and the person requesting review will establish a mutually agreeable time for the inspection of records. Please also note that numerous resources are already available on the CDI website, including [enforcement action information](#), [license status information](#), [identities of agents of service of process](#), [a schedule of fees](#), [property and casualty rate application filing requirements](#), [a homeowners premium survey](#), [videos](#) and [press releases](#).

Processing Requests for Copies of Records

When a person requests a copy of records and CDI cannot immediately determine whether it has disclosable public records that it can immediately produce, CDI will determine within 10 days after receipt of the request whether it has disclosable public records responsive to the request and will inform the requester of its determination and the reasons for the determination. The initial 10-day period to make the determination may be extended for up to an additional 14 days if CDI staff needs to:

- a. **Search for and collect records from separate field offices.**
- b. **Search for, collect and appropriately inspect voluminous records.**
- c. **Consult with other divisions or agencies.**

Whenever possible, CDI staff will provide records at or near the time CDI determines that it has disclosable records. If immediate disclosure is not possible, CDI staff will provide an estimated date when the records will be available, and will endeavor to provide the records within a reasonable period of time.

Copying Fees

CDI may charge the direct cost of duplication when it provides copies of records to the public. Please see our [schedule of fees](#) for current duplication costs. The direct cost of duplication includes the pro rata expense of the duplicating/scanning equipment and the staff (salary/benefits) required to make a copy of records. Direct cost of duplication does not include CDI staff time in researching, retrieving, redacting and mailing records. When CDI staff must compile electronic data, extract information from an electronic record, or undertake computer programming to satisfy a request, CDI may require the requester to bear the full costs, not just the direct cost of duplication. All payments required by the schedule must be presented to CDI in the form of a check made payable to the "California Department of Insurance".

Exemptions

CDI will provide access to all public records upon request unless the California Public Records Act or other state or federal law exempts the record from disclosure. Examples of records which may be exempt from disclosure include: preliminary drafts, records pertaining to pending litigation, personnel records, complaints, investigative records, applications, examination reports, trade secrets and confidential legal advice. If public records contain both disclosable and exempt information, CDI staff may remove or redact exempt information from the records and disclose the remainder of the records.

Identification of Requesters

CDI staff will not require that you provide identification to inspect records, or your reasons for wanting to inspect records. However, if records are to be picked up or mailed to you, relevant identifying information must be provided. Persons wishing to enter CDI offices also must comply with security protocols, including providing identification to security personnel.

Annual or Quarterly Financial Statements of Insurers

These statements can be provided when you complete the required Photocopying / Certification Request Form and mail it to the address located in the upper left corner of the form along with your payment. To obtain the Photocopying / Certification Request Form and further information, please see our [Frequently Asked Questions](#) about accessing CDI's public records.

Statement of Economic Interest

These statements can be provided by contacting the Custodian of Records during CDI regular business hours. For more information, please see our [Frequently Asked Questions](#) about accessing CDI's public records.

Frequently Asked Questions about Accessing Public Records

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1. WHAT ARE PUBLIC RECORDS?

"Public records" include any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by CDI regardless of physical form or characteristics.

"Writing" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

"Member of the public" means any person, except a member, agent, officer, or employee of a federal, state, or local agency acting within the scope of his or her membership, agency, office, or employment.

2. HOW CAN I MAKE A REQUEST FOR PUBLIC RECORDS?

A request for public records can be made either orally or in writing. Although CDI does not require a requester to make a request in writing, to ensure clear communication between CDI and the requester, we recommend that members of the public submit written requests.

To make a written request, send a letter to: California Department of Insurance, Custodian of Records, 300 Capitol Mall, Suite 1700, Sacramento, CA 95814 or e-mail: CustodianOfRecords@insurance.ca.gov. The written request need not be in any particular form, but should describe the requested records with sufficient specificity to enable CDI staff to identify and locate the records requested. The request should specify the office, division, branch or section of CDI which created and has ownership responsibility for the desired records. The request also should include a telephone number where you can be reached to discuss the request if we need additional information to locate records for you.

If you wish to make a public records request in person, please contact our Custodian of Records at (916) 492-3657 or CustodianOfRecords@insurance.ca.gov to schedule a time to meet. Our Custodian of Records is available to take your request during regular CDI business hours.

3. HOW LONG DOES IT TAKE TO REPLY TO A PUBLIC RECORDS REQUEST?

Most simple requests for public records can typically be fulfilled in less than 10 days. Within 10 days from the date the request is received, CDI will determine whether it has disclosable public records responsive to the request and will notify you of its determination. If the determination will not be made within 10 days due to unusual circumstances as defined in Government Code section 6253, CDI will notify you of the reasons for the delay and the date when the determination will be issued. CDI may request additional information if the records request is not specific enough to permit the identification of the requested records. If CDI determines that it has disclosable public records responsive to the request, the records will be made available as promptly as is reasonably practicable. While CDI will disclose identifiable and existing records (unless exempt from disclosure), CDI is not required to synthesize, manufacture, or summarize records, i.e., develop new records in response to a request.

4. WHAT WILL CDI'S RESPONSE TO A RECORDS REQUEST INCLUDE?

In responding to records requests, CDI will advise you, by mail, phone or e-mail as appropriate, of (1) the location, approximate date, and time at which the requested public records will be available; (2) if copies of records are requested, the cost of providing such copies; and, (3) which of the records requested are not subject to disclosure pursuant to applicable law. CDI will determine the form in which any requested computer data will be provided.

5. WHEN MAY PUBLIC RECORDS BE INSPECTED?

Public records are open to inspection during regular CDI business hours. However, the inspection of public records is subject to a rule of reason as to time and duration and must be consistent with the efficient functioning of CDI offices and follow the procedures set forth in the CDI "Guidelines for Accessing Public Records." CDI requests any person who wishes to inspect public records to telephone the Custodian of Records in advance and make an appointment to inspect records. CDI's policy is that records that are not exempt from disclosure will be open for public inspection with the least possible delay and expense to you.

6. IS THERE ANY FEE INVOLVED?

A requester must pay for the direct costs of duplication. Please see our [schedule of fees](#) for current duplication costs. Duplication of information transferred to a compact disc is \$20 per CD. Other external services, such as copying video and audio cassettes, large graphs, or archived board transcripts, will be made at the direct cost to you upon your consent. All payments required by the schedule must be presented to CDI in the form of a check made payable to the "California Department of Insurance".

7. WHAT RECORDS ARE NOT OPEN FOR INSPECTION?

In balancing the public's right to access public records with the recognized individual right of privacy and the need for CDI to be able to competently perform its duties, the Legislature has established certain categories of records which may be exempt from public disclosure.

Pursuant to the California Public Records Act and other state and federal law, categories of records that CDI is not required to produce include, but are not limited to:

- a. Preliminary drafts, notes, or inter-agency or intra-agency memoranda which are not retained by CDI in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure (Gov. Code, § 6254, subd. (a));
- b. Records pertaining to pending litigation to which CDI is a party, or to claims made pursuant to the Government Claims Act until such litigation or claim has been finally adjudicated or otherwise settled (Gov. Code, § 6254, subd. (b));
- c. Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (Gov. Code, § 6254, subd. (c); Cal. Const., art. 1, §1);
- d. Applications, examination reports and related work papers, appraisals, written opinions, statements and other material (Gov. Code, § 6254, subd. (d)(1), (d)(2), (n); Ins. Code, §§ 735.5, 739.8, 925.3, 933, 1215.4, 1433, 1666.5, 1759.3, 1763, 11754, 12919);
- d. Preliminary drafts, notes or inter-agency or intra-agency memoranda prepared for CDI's use (Gov. Code, § 6254, subd. (d)(3));
- e. Records of complaints to or investigations conducted by CDI for law enforcement or licensing purposes (Gov. Code, §§ 6254, subd. (f), 11507.5, 11507.6; Ins. Code, §§ 1858.02, 1872.3, 1872.83, 1874.3; Evid. Code, §§ 1040, 1041);
- f. Trade secrets involving certain formulas, patterns, compilations, programs, devices, methods, techniques or processes that possess independent economic value and are subject to reasonable efforts to maintain their secrecy (Gov. Code, § 6254, subd. (k); Evid. Code, § 1060 et seq.); and,
- g. Legal memorandum, attorney-client communications and attorney work product, including but not limited to, contracts for legal services, legal opinions written for the Insurance Commissioner, legal advice prepared by staff attorneys for the Insurance Commissioner or other members of the staff, analyses of proposed, pending or enacted legislation prior to approval or disapproval by the Governor's Office (Bus. & Prof. Code, § 6149; Gov. Code, § 6254(k); Ins. Code, §§ 1067.11, 1077.3, 1215.2, 1215.8; Civ. Proc. Code, § 2018.030; Evid. Code, § 950 et seq.).

CDI also has the discretion to claim an exemption from public disclosure for records which do not qualify for a specific exemption but as to which it determines that the public interest served by not making the record public clearly outweighs the public interest served by disclosure, pursuant to Government Code section 6255.

CDI's determination to disclose a record which may otherwise be exempt from disclosure does not constitute a waiver with respect to any other records.

8. WHAT IF I WISH TO CHALLENGE CDI'S DETERMINATION NOT TO DISCLOSE RECORDS?

The California Public Records Act, Government Code section 6258, provides that any person may petition any court of competent jurisdiction to enforce the right to inspect or to receive a copy of any public record.

9. HOW DO I OBTAIN AN ANNUAL OR QUARTERLY STATEMENT?

Unofficial statements are available on the CDI website at:

<https://interactive.web.insurance.ca.gov/companyprofile/companyprofile>. To obtain an official copy, complete the required Photocopying / Certification Request Form which can be obtained online at: <http://www.insurance.ca.gov/0250-insurers/0300-insurers/0100-applications/financial-filing-notices-forms/glb/>. Then mail the form to the address located in the upper left corner of the form along with your payment.

10. HOW DO I OBTAIN A FORM 700--STATEMENT OF ECONOMIC INTEREST?

Government Code section 81008(a) provides that the Statements of Economic Interests filed by designated employees are public records. You can inspect these forms during regular CDI business hours, by contacting the Custodian of Records. If you desire copies of these forms, Government Code section 81008(a) authorizes a copying fee of ten cents (\$0.10) per page and provides that the Filing Officer may charge a retrieval fee not to exceed five dollars (\$5) per request for copies of forms that are five or more years old.

11. HOW DO I REQUEST DOCUMENT CERTIFICATION?

A party can request that CDI's Custodian of Records certify a document that was created within CDI's ordinary course of business. The party seeking to authenticate a document should clearly identify any document requiring certification and pay a \$20 processing fee. The Custodian of Records will then locate an original copy of the document and certify that the document is an official CDI business record.