

AMENDED IN ASSEMBLY APRIL 6, 2026

AMENDED IN ASSEMBLY MARCH 16, 2026

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1821

Introduced by Assembly Member Pacheco

February 11, 2026

An act to amend ~~Sections 7922.530 and~~ *Section 7922.535* of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1821, as amended, Pacheco. California Public Records Act: ~~fees and~~ agency response time.

Existing law, the California Public Records Act, requires each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, to make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable, except with respect to public records exempt from disclosure by express provisions of law.

~~This bill would require, if a single request exceeds 2 hours of search time, or if the total requests by a requestor exceed 10 hours of search time in one month, the requestor to also submit to the agency a payment of fees in an amount determined by the agency as reasonable to compensate the agency for the administrative time of completing the requests. The bill would exempt from that requirement a journalist, a newspaper, and an educational or noncommercial scientific institution, as specified. The bill would define “search” for purposes of that requirement to mean to review, either manually or by automated means,~~

~~agency records for the purpose of locating those records that are responsive to a request.~~

Existing law requires each agency, within 10 days of a request for a copy of records, to determine whether the request seeks copies of disclosable public records in possession of the agency and to promptly notify the person of the determination and the reasons therefor. Existing law authorizes that time limit to be extended by no more than 14 days under unusual circumstances, as defined.

This bill would instead require each agency to determine whether the 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. The bill would instead authorize the time period for each agency to respond to be extended by no more than 14 business days.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 7922.530 of the Government Code is~~
- 2 ~~amended to read:~~
- 3 ~~7922.530. (a) (1) Except with respect to public records exempt~~
- 4 ~~from disclosure by express provisions of law, each state or local~~
- 5 ~~agency, upon a request for a copy of records that reasonably~~
- 6 ~~describes an identifiable record or records, shall make the records~~
- 7 ~~promptly available to any person upon payment of fees covering~~
- 8 ~~direct costs of duplication, or a statutory fee if applicable. Upon~~

1 request, an exact copy shall be provided unless impracticable to
2 do so.

3 (2) (A) If a single request exceeds 2 hours of search time, or if
4 the total requests by a requestor exceed 10 hours of search time in
5 one month, the requestor shall submit to the agency a payment of
6 fees in an amount determined by the agency as reasonable to
7 compensate the agency for the administrative time of completing
8 the requests.

9 (B) Subparagraph (A) shall not apply to any of the following:

- 10 (i) A journalist.
11 (ii) A newspaper.
12 (iii) An educational or noncommercial scientific institution
13 whose purpose is scholarly or scientific research.

14 (C) For purposes of subparagraph (A), “search” means to review,
15 either manually or by automated means, agency records for the
16 purpose of locating those records that are responsive to a request.

17 (b) A requester who inspects a disclosable record on the
18 premises of the agency has the right to use the requester’s
19 equipment on those premises, without being charged any fees or
20 costs, to photograph or otherwise copy or reproduce the record in
21 a manner that does not require the equipment to make physical
22 contact with the record, unless the means of copy or reproduction
23 would result in either of the following:

- 24 (1) Damage to the record.
25 (2) Unauthorized access to the agency’s computer systems or
26 secured networks by using software, equipment, or any other
27 technology capable of accessing, altering, or compromising the
28 agency’s electronic records.

29 (c) The agency may impose any reasonable limits on the use of
30 the requester’s equipment that are necessary to protect the safety
31 of the records or to prevent the copying of records from being an
32 unreasonable burden to the orderly function of the agency and its
33 employees. In addition, the agency may impose any limit that is
34 necessary to maintain the integrity of, or ensure the long-term
35 preservation of, historic or high-value records.

36 SEC. 2.

37 SECTION 1. Section 7922.535 of the Government Code is
38 amended to read:

39 7922.535. (a) Each agency, upon a request for a copy of
40 records, shall, within 10 business days from receipt of the request,

1 determine whether the request, in whole or in part, seeks copies
2 of disclosable public records in the possession of the agency and
3 shall promptly notify the person making the request of the
4 determination and the reasons therefor. If the agency determines
5 that the request seeks disclosable public records, the agency shall
6 also state the estimated date and time when the records will be
7 made available.

8 (b) In unusual circumstances, the time limit prescribed in this
9 article and Article 1 (commencing with Section 7922.500) may
10 be extended by written notice from the head of the agency or a
11 designee to the person making the request, setting forth the reasons
12 for the extension and the date on which a determination is expected
13 to be dispatched. The notice shall not specify a date that would
14 result in an extension for more than 14 business days.

15 (c) As used in this section, “unusual circumstances” means the
16 following, but only to the extent reasonably necessary to the proper
17 processing of the particular request:

18 (1) The need to search for and collect the requested records
19 from field facilities or other establishments that are separate from
20 the office processing the request.

21 (2) The need to search for, collect, and appropriately examine
22 a voluminous amount of separate and distinct records that are
23 demanded in a single request.

24 (3) The need for consultation, which shall be conducted with
25 all practicable speed, with another agency having substantial
26 interest in the determination of the request or among two or more
27 components of the agency having substantial subject matter interest
28 therein.

29 (4) The need to compile data, to write programming language
30 or a computer program, or to construct a computer report to extract
31 data.

32 (5) The inability of the agency, because of a cyberattack, to
33 access its electronic servers or systems in order to search for and
34 obtain a record that the agency believes is responsive to a request
35 and is maintained on the servers or systems in an electronic format.

36 (A) This paragraph does not relieve the agency of its obligation
37 to comply with subdivision (a) when the requested record is
38 maintained in a location other than on the electronic server or
39 system affected by the cyberattack, or maintained in a nonelectronic
40 format.

(B) This paragraph applies only until the agency regains its ability to access its electronic servers or systems and search for and obtain electronic records that may be responsive to a request.

(6) The need 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 when the state of emergency currently and directly affects, due to the state of emergency, the agency's ability to timely respond to requests due to staffing shortages or closure of facilities where the requested records are located.

(A) This paragraph shall not apply to a request for records created during and related to the state of emergency proclaimed by the Governor.

(B) For purposes of this paragraph, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2).

~~SEC. 3.~~

~~SEC. 2.~~ The Legislature finds and declares that Section 1 of this act, which amends Section 7922.530 of the Government Code, and Section 2 of this act, which amends Section 7922.535 of the Government Code, ~~further,~~ *further*, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act balances the right of the public to access public records in a timely manner while ~~providing public agencies proper compensation and protection from convoluted requests.~~ *acknowledging that state and local agencies provide a variety of public services and may need additional time to properly respond to requests.*

~~SEC. 4.~~

~~SEC. 3.~~ The Legislature finds and declares that Section 1 of this act, which amends Section 7922.530 of the Government Code, and Section 2 of this act, which amends Section 7922.535 of the Government Code, ~~impose~~ *imposes* a limitation on the public's

1 right of access to the meetings of public bodies or the writings of
2 public officials and agencies within the meaning of Section 3 of
3 Article I of the California Constitution. Pursuant to that
4 constitutional provision, the Legislature makes the following
5 findings to demonstrate the interest protected by this limitation
6 and the need for protecting that interest:

7 This act balances the right of the public to access public records
8 in a timely manner while ~~providing public agencies proper~~
9 ~~compensation and protection from convoluted requests.~~
10 *acknowledging that state and local agencies provide a variety of*
11 *public services and may need additional time to properly respond*
12 *to requests.*