

State of California HEALTH AND HUMAN SERVICES AGENCY

GAVIN NEWSOM
GOVERNOR



MARK A. GHALY MD, MPH
SECRETARY

June 9, 2020

SENT VIA EMAIL ONLY

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Aging

Child Support
Services

Community Services
and Development

Developmental
Services

Emergency Medical
Services Authority

Health Care Services

Managed Health Care

Office of Health Information
Integrity

Office of Innovation

Office of Law Enforcement
Support

Office of Patient Advocate

Office of Surgeon General

Office of Systems Integration

Public Health

Rehabilitation

Social Services

State Hospitals

Statewide Health
Planning and
Development

RE: Public Records Act Request

Dear Mr. Alexander,

The California Health and Human Services Agency (CHHS) received your request for documents on May 30, 2020. You requested the following documents, from October 1, 2019 through May 30, 2020:

- “Documents upon which the State of California and/or the California Health and Human Services agency based its ‘Shelter in Place’, ‘Face Covering’ and ‘Cancel Mass Gathering’ orders during the corona virus (COVID-19) pandemic.”

You indicated this request encompassed a request for the following:

- “Each set of data (including but not limited to scientific studies, peer reviews, medical studies, analysis, hospital data, public health studies, health care statistics, memorandum, letters, correspondence, directives, etc.) upon which the State of California and/or the CHHS based its decision to issue any and all ‘Shelter in Place’, ‘Face Covering’ and ‘Cancel Mass Gathering’ orders from October 1, 2019 to the present date regarding the COVID-19 pandemic”;
- “Each set of data and/or correspondence, including electronic communication and in paper format, regarding each renewal or modification of any Order”; and
- “A copy of any and all requests for similar records under the California Public Records Act received by the CHHS and all responses thereto.”

Enclosed please find all nonprivileged records that are responsive to your request. Additionally, a [COVID-19](#) website has been established which provides the public with extensive information regarding the State’s effort to combat this unprecedented pandemic, including extensive data sets that are part of the information that you requested. Other state agencies may also possess additional documentation responsive to your request.

You also request that CHHS “disclose how (including backup costs information or studies **not** just the CHHS’s formal policy on photocopy charges) the CHHS arrives at its ‘direct’ cost per page for photocopying charges.” (Bold in original.)

Please be aware that it is CHHS’s practice to provide responses to Public Record Act requests electronically and cost free.

All remaining records are exempt from production based on one or more of the following privileges:

- Government Code, § 6254, subdivision (k), and Evidence Code, § 954 (attorney-client privilege): Some of the records are exempt or prohibited from disclosure pursuant to federal or state law. Some of the records are confidential communications made within the scope of the attorney-client relationship and protected by the attorney-client privilege.
- Government Code, § 6254, subdivision (k), and California Code of Civil Procedure, §§ 2018.030 and 2018.020 (attorney work product doctrine): Documents that attorneys prepare for CHHS, including documents generated by others under the direction of CHHS’s attorneys, reflecting the attorney’s impressions, conclusions, opinions, or legal research or theories pertaining to the issues listed in your request are protected by the attorney work product doctrine.
- Government Code, § 6255 (deliberative process): Records that reveal the deliberative process of Secretary Ghaly or his staff (Gov. Code, § 6255; *Cal. First Amend. Coalition v. Super. Ct.* (1998) 67 Cal.App.4th 159; *Times Mirror Co. v. Super. Ct.* (1991) 53 Cal.3d 1325). Such records include factual records. *Id.* at 1343. Your request for records on its face seeks to probe the decisionmaking process of the California Health and Human Services Agency, and these records are, as a result, exempt from disclosure.

By providing you with this information, CHHS considers your PRA request fulfilled. Thank you for contacting CHHS with your request.

Sincerely,



Michael Palmisano
Attorney
Office of the Agency General Counsel
California Health and Human Services Agency