Response: Public Records Request

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| **James Dyer** |

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Dear Needles Solutions Team – Take Back Santa Cruz,

The County of Santa Cruz (“County”) received your email request on Tuesday, May 28, 2019, requesting public records under the California Public Records Act (the “Requests”).  We are responding to the Requests within the ten (10) day window set out by California Government Code section 6253(c).  We note that the Requests are limited only to records maintained in the normal course of business by the County and records that are in the County’s custody and control.

Please note that we will not produce records that are privileged or otherwise exempt from disclosure pursuant to California Government Code section 6254(k).  This includes documents protected by the attorney-client privilege, attorney work product, and official information privileges.

No preliminary drafts or memorandum not normally kept in the ordinary course of business will be produced pursuant to California Government Code section 6254(a).  Records concerning real estate appraisals for pending acquisitions are also exempt from disclosure under California Government Code section 6254(h).

We will not produce documents that are subject to copyright protections, contain trade secrets, and/or proprietary and/or confidential information.  *See* California Government Code sections 6253.9, 6254(k), 6254.9; California Evidence Code section 1060.

Moreover, we will not produce documents exempt from disclosure under the deliberative process privilege.  *See Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325.  (Deliberative process privilege is the common-law principle that the internal processes of the executive branch of a government are immune from normal disclosure or discovery in civil litigations, Freedom of Information Act requests, etc.)

No documents will be produced where “the public interest served by not disclosing the record clearly outweighs the public interest by the disclosure of the record” under California Government Code section 6255.  Additionally, no documents will be produced if they contain personnel, medical, private, confidential, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy under California Government Code section 6254(c) and/or the Health Insurance Portability and Accountability Act of 1996.  And, to the extent any of the records you are requesting are the subject of ongoing litigation and/or pending investigations, and/or are law enforcement investigatory records, such records are exempt from production.  See Government Code sections 6254 (b), (f).

In addition, no documents or records will be produced to the extent such a production would violate California Penal Code §§ 832.7, 832.8, 11076, California Civil Code § 129, California Welfare and Intuitions Code §§ 827, 828, 831, California Business and Professions Code § 805, or California Evidence Code § 1043.

Furthermore, as we review your Requests, we may discover other applicable privileges and/or exemptions under Government Code sections 6254, 6255, 6256 or other applicable state or federal laws, and we reserve all rights to assert those at any time.

**The County has determined that it has responses to your request, please see below:**

1. The Names, Titles, Address, approval dates of anyone approved by the County Health Officer to conduct a secondary syringe exchange in Santa Cruz County from September 1, 2014 through the present; **No information available as All SSP syringe distribution and collection efforts are anonymous.**

1. Syringe Service Log Sheets from September 1, 2014 through the present. **These can be found on our website,**[**www.santacruzhealth.org/ssp**](http://www.santacruzhealth.org/ssp)**under “Data Reports & Updates”**

1. SSP staff written justification of all syringe exchange transactions in which the number of syringes that are issued, either during the initial or subsequent syringe exchange transactions, is greater than the number of syringes the agency is approved to furnish from September 1, 2014 through the present; **No data exists because the Agency does not furnish more syringes than allowable per our policies and procedures.**

1. SSP Transaction logs which document approved exchanges in the amount greater than 100 syringes from September 1, 2014 through the present; ***This request is still being searched. The conclusion will be messaged to the requester once completed.***

1. County Health Officer Arnold Leff's communications with organizations or the individuals acting on their behalf, who conduct a secondary syringe exchange in Santa Cruz County from September 1, 2014 through the present. **Secondary exchange is also anonymous. Although Dr. Leff no longer works for the County of Santa Cruz, he has shared that no communications exist as he has NOT personally approved anyone in writing**.

1. The location of operation of any individual and/or organization approved by the County Health Officer who conducted a secondary exchange in Santa Cruz County from September 1, 2014 through the present. **The County does not operate a secondary exchange offsite from board-approved locations. All secondary exchanges are conducted by SSP participants and are therefore anonymous.**

As always, the County reserves all rights.

Kind regards,

**James Dyer**

HIPAA Privacy Officer

Health Services Agency

County of Santa Cruz

831-454-4613

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