



June 23, 2026

The Honorable Tom Umberg
Chair, Senate Committee on Judiciary
1021 O Street, Room 3240
Sacramento, CA 95814

The Honorable Roger Niello
Vice Chair, Senate Committee on Judiciary
1021 O Street, Room 7710
Sacramento, CA 95814

OPPOSE | AB 1821 (Pacheco) as amended June 10, 2026

Dear Chair Umberg and Members of the Committee:

The Environmental Protection Information Center (EPIC), Friends of the Eel River, and Humboldt Waterkeeper write in strong opposition to AB 1821 (Pacheco). Our organizations routinely utilize the Public Records Act and are concerned that the proposed legislation would impinge our ability to utilize the Act and therefore on our rights protected by Article I, Section 3 of the California Constitution.

AB 1821 would significantly restrict public access to government records by imposing new fees, expanding government authority over requesters, and delaying access to information. The bill authorizes agencies to charge commercial requesters hourly fees of up to \$22.35 for administrative work and \$66.26 for professional review and processing, on top of existing fees already permitted under law. Because the bill broadly defines commercial use as any request that furthers commercial, trade, or profit interests, these costs could apply to small businesses, advocacy organizations, freelancers, and many others. The result would be substantial financial barriers to accessing public records while reducing incentives for agencies to improve efficiency or proactively publish records online.

The bill exempts government agencies, news media representatives, and certain educational and scientific institutions from these fees. However, these exemptions create difficult questions about who qualifies. For example, it is unclear whether our nonprofit organizations would be exempt from these fees. We routinely utilize public documents to educate the public on the functioning of the California state government and disseminate information through our newsletters and other publications. Are we then “news media”?

Our organizations require timely disclosure of information to fulfill our responsibility to provide critical public oversight. Yet, AB 1821 would further slow access to information by converting current response deadlines from calendar days to business days. Agencies currently have 10 days to determine whether responsive records exist, with a possible 14-day extension in limited

circumstances. Under the bill, these timelines would become 10 and 14 business days, potentially extending the initial response period to more than a month. Such delays are especially harmful for time-sensitive records and public oversight.

We are likewise concerned about the bill's inclusion of provisions that would allow for government organizations to sue requesters with "malicious intent." During litigation, the agency's obligation to respond would be suspended. If the agency prevails, the requester could be required to pay processing costs. This provision could discourage individuals from exercising their constitutional right to access public records, particularly because many lack the resources to defend themselves in court and the bill does not guarantee recovery of attorney fees.

Agencies already possess tools to address burdensome requests. Existing law allows agencies to deny requests that impose undue burdens, direct requesters to records already posted online, and work with requesters to narrow overly broad requests. Courts have recognized that agencies are not required to satisfy limitless demands.

For these reasons, AB 1821 would move California away from transparency and accountability. Existing law already provides mechanisms to address abusive requests while preserving public access. Lawmakers should focus on strengthening transparency and improving agency compliance rather than creating new barriers to public records access.

Sincerely,

Tom Wheeler
Executive Director, Environmental Protection Information Center

Jen Kalt
Executive Director, Humboldt Waterkeeper

Alicia Hamann
Executive Director, Friends of the Eel River