

# California Housing Finance Agency

## Information Practices Act Policy

Effective date: February 1998

Revised: 06/24/2015

### **Sacramento Headquarters**

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## I. Policy Statement

Non-public personal records maintained by the California Housing Finance Agency (“CalHFA”), pertaining to individuals and relating to their personal lives, are available for inspection by the individuals about whom the information pertains, pursuant to the [Information Practices Act of 1977](#) (“IPA”) (Civil Code Sections 1798 – 1798.78). CalHFA records subject to the IPA include single family mortgage files, multifamily tenant occupancy files, employee personnel files, and certain business forms. This policy governs employee conduct and the rights of individuals to examine and amend personal records. This policy revision is effective June 24, 2015. This policy is a public record.

## II. General Information

The IPA places strict requirements on State agencies in the collection, use, maintenance, and dissemination of information relating to individuals.

With specific exceptions, individuals may review, amend, correct, dispute, and obtain copies of information pertaining to themselves in State records.

In order to assure that CalHFA complies with the IPA, the following procedures are effective immediately.

## III. Procedures

### A. Applicable Records

These guidelines govern access to, and disputes regarding, the following records maintained by CalHFA:

1. Single family mortgage files.
2. Multifamily tenant occupancy files.
3. Employee personnel files.
4. Business forms.

### B. Rules of Conduct for Employees

1. IPA Compliance. Employees responsible for the collection, maintenance, use, and dissemination of information about individuals which relates to their personal lives (“Personal Records”), including name, social security number, physical description, home address, home telephone number, education, financial matters, medical or employment history, and statements made by, or attributed to, the individual (“Personal Information”), shall comply with the provisions of the IPA.

2. Collection of Information. Employees shall not require individuals to disclose Personal Information which is not necessary and relevant to the lawful State function for which the employee is responsible.

3. Maintenance of Personal Records. Employees responsible for the maintenance of Personal Records shall take all necessary precautions to assure that proper physical, electronic and procedural safeguards are established and followed in order to protect the confidentiality of the Personal Records and to assure that such Personal Records are not disclosed to unauthorized individuals and entities.

4. Access to Information

(a) Employees shall immediately refer inquiries pursuant to a subpoena, court order, or other compulsory legal process to the Office of General Counsel.

(b) Employees shall respond to inquiries from individuals and requests from them to review, obtain copies of, amend, correct, or dispute their Personal Records in a courteous and businesslike manner and in accordance with [Civil Code Sections 1798.30 – 1798.44](#).

(c) Employees shall make every reasonable effort to see that inquiries and requests relating to Personal Records are responded to quickly and without requiring the individual to unnecessarily repeat their inquiry to others. Reasonable efforts will be made to place the responsibility on CalHFA for responding to the individual after their initial contact.

(d) Employees shall assist individuals who seek information pertaining to themselves in making their inquiries sufficiently specific and descriptive so as to facilitate locating the Personal Records. Information required for the location of various Personal Records is contained in paragraphs III.C.1(b) and III.C.2 below.

5. Prohibited Acts

(a) Employees shall not disclose Personal Information to unauthorized persons or entities. The intentional disclosure of such information may be cause for disciplinary action, including dismissal from State service.

(b) Employees shall not seek out or use Personal Information relating to others for their own interest or advantage. An intentional violation may be cause for disciplinary action, including dismissal from State service.

**C. Accessing Records; Requesting Amendments or Corrections to Records**

1. Right to Notice of Records Maintained by CalHFA

(a) All individuals who submit a properly authenticated inquiry in writing or verbally, as per paragraph III.C.1(b) below, as to whether they are the subject of Personal Information maintained by CalHFA, shall have the right to be notified as to whether a Personal Record pertaining to themselves is maintained by CalHFA. Within five (5) business days (*i.e.*, excluding State holidays, Saturdays, and Sundays) of receipt, CalHFA will make every reasonable effort to provide a written response acknowledging receipt of a written inquiry. Within ten (10) business days (*i.e.*, excluding State holidays, Saturdays, and Sundays) of receipt, CalHFA will make every reasonable effort to notify individuals as to whether a Personal Record pertaining to themselves is maintained by CalHFA. Such notice may also include a copy of this policy. Inquiries are “received” at all times on any normal business day between the

hours of 8:00am and 5:00pm. After-hours inquiries will be stamped in as “received” on the next business day. The date “received” is excluded when calculating the five (5) business day and ten (10) business day due dates. If the due date falls on a State holiday, Saturday, or Sunday, then CalHFA shall have until the next business day to respond.

(b) Any notice to an individual which indicates that CalHFA maintains Personal Records on that individual shall include the title and business address of the person directly responsible for responding to requests to view or obtain copies of such Personal Records. Individuals are encouraged to submit their requests for Personal Records directly to such person. The following are the titles and addresses of the responsible persons pertaining to particular Personal Records maintained by CalHFA:

➤ **Where to submit a request for mortgage records:**

**Verbal inquiries – active loans that are serviced by CalHFA (in-house)**

Customer Service Representative  
Loan Servicing, MS 980  
California Housing Finance Agency  
500 Capitol Mall, Suite 900  
Sacramento, CA 95814  
(800) 669-1079

**Written inquiries – inactive loans and outside serviced loans**

Public Records Coordinator  
Office of General Counsel, MS 1440  
California Housing Finance Agency  
500 Capitol Mall, Suite 1400  
Sacramento, CA 95814  
(916) 326-8496

➤ **Where to submit a request for tenant records:**

**Verbal inquiries – tenant relations**

Tenant Liaison  
Asset Management Division  
California Housing Finance Agency  
100 Corporate Pointe, Suite 250  
Culver City, CA 90230  
(310) 342-5421

**Written inquiries – tenant records**

Public Records Coordinator  
Office of General Counsel, MS 1440  
California Housing Finance Agency  
500 Capitol Mall, Suite 1400  
Sacramento, CA 95814  
(916) 326-8496

➤ **Where to submit a request for personnel records:**

**Verbal inquiries – employee relations**

Personnel Officer  
Administration Division, MS 1410  
California Housing Finance Agency  
500 Capitol Mall, Suite 1400  
Sacramento, CA 95814  
(916) 326-8000

**Written inquiries – employee records**

Public Records Coordinator  
Office of General Counsel, MS 1440  
California Housing Finance Agency  
500 Capitol Mall, Suite 1400  
Sacramento, CA 95814  
(916) 326-8496

➤ **Where to submit a request for business form records:**

**Verbal inquiries – business forms**

Public Records Coordinator  
Office of General Counsel, MS 1440  
California Housing Finance Agency  
500 Capitol Mall, Suite 1400  
Sacramento, CA 95814  
(916) 326-8496

**Written inquiries – business forms**

Public Records Coordinator  
Office of General Counsel, MS 1440  
California Housing Finance Agency  
500 Capitol Mall, Suite 1400  
Sacramento, CA 95814  
(916) 326-8496

Individuals inquiring of the Public Records Coordinator by telephone or email as to whether they are the subject of Personal Records maintained by CalHFA will be advised that they must submit their inquiry in person or in writing.

## 2. Access to Records

(a) Upon a properly authenticated written request, individuals who request access to Personal Records pertaining to themselves will be granted access as quickly and as practically as possible. Within thirty (30) calendar days of receipt, CalHFA will grant access to onsite records. Within sixty (60) calendar days of receipt, CalHFA will grant access to offsite records, such as files archived in offsite storage. Requests for records are “received” at all times on any normal business day between the hours of 8:00am and 5:00pm. After-hours requests will be stamped in as “received” on the next business day. The date “received” is excluded when calculating the thirty (30) calendar day and sixty (60) calendar day due dates. If the due date falls on a State holiday, Saturday, or Sunday, then CalHFA shall have until the next business day to respond.

Employees shall assist an individual who makes their request in person to put their request into writing. CalHFA publishes optional forms on its website that an individual may use to request Personal Records. The forms are provided to assist individuals to submit a properly authenticated request. Individuals are not required to use the forms. However, individuals must provide all of the information requested by the forms. Links to the forms are provided below. Properly authenticated written requests for Personal Records maintained by CalHFA should include the following information:

### ➤ **How to submit a request for mortgage records:**

For CalHFA serviced (in-house) active loans, please call Loan Servicing (800) 669-1079.

For inactive loans and outside serviced loans, please submit a written request. Please use the form linked below, or call (916) 326-8496 to have a form sent to you.

Form: [IPA Request for Mortgage Records](#)  
(use for inactive and outside serviced loans only)

A written request should include: Date of request; borrower’s name; loan number; originating lender’s name; property address; mailing address; records requested; and requesting party’s signature.

CalHFA will process requests for copies of mortgage records in files maintained by CalHFA, such as single family loan files, mortgage insurance files, and portfolio management files. CalHFA will process requests for loan servicing records when CalHFA is the loan servicer.

Loans serviced by outside servicers are also subject to the IPA because CalHFA “*provides by contract (with the loan servicer) for the operation or maintenance of records containing personal information to accomplish an agency function*” ([Civil Code Section 1798.19](#)). Borrowers may submit their request for loan origination records to the CalHFA Public Records Coordinator (see contact information above). Borrowers may submit their request for loan servicing records

directly to the outside servicer, or may ask the CalHFA Public Records Coordinator to obtain the records from the outside servicer on the borrower's behalf.

➤ **How to submit a request for tenant records:**

To contact the tenant liaison, please call (310) 342-5421

For copies of tenant records, please submit a written request. Please use the form linked below, or call (916) 326-8496 to have a form sent to you.

Form: [IPA Request for Tenant Records](#)

A written request should include: Date of request; tenant's name; unit number; move-in date; mailing address; CalHFA project name; project property address; records requested; and requesting party's signature.

Tenant records maintained by the project owner, property manager, or outside sources with whom CalHFA does not *"provide by contract for the operation or maintenance of records containing personal information to accomplish an agency function"* typically are not subject to the IPA ([Civil Code Section 1798.19](#)). CalHFA will not obtain records from such outside sources on the tenant's behalf.

➤ **How to submit a request for personnel records:**

To contact the Human Resources Unit, please call (916) 326-8000.

Employees do not need to submit a written request to see their official personnel file ("OPF"). The preferred method is to contact the Human Resources Unit to make an appointment to view your OPF and flag the items you want copied. If you prefer to submit a written request, please use the form linked below, or call (916) 326-8496 to have a form sent to you.

Form: [IPA Request for Personnel Records](#)

A written request should include: Date of request; employee's name; social security number; telephone number; email address; mailing address; records requested; and requesting party's signature.

➤ **How to submit a request for business form records:**

Please call (916) 326-8496 to speak with the Public Records Coordinator. She will explain the procedure to submit a written request. No forms are available.

Personal Records will be available for viewing at the CalHFA Sacramento Headquarters on any normal business day between the hours of 9:00am and 4:00pm by appointment. There is no charge to view records. However, if the records requested for viewing are archived at offsite storage, CalHFA will require the individual to prepay storage retrieval costs, and payment will be required prior to making the records available for viewing. These costs do not constitute a

“viewing fee”; rather, these are actual out-of-pocket costs incurred by CalHFA to make archived records at offsite storage available for viewing. CalHFA will obtain the individual’s advance permission, and advance payment, prior to ordering archived records from offsite storage for viewing.

(b) If CalHFA refuses access to an individual to their Personal Records based on the information being confidential or otherwise exempt from the IPA because, for example, the Personal Records are subject to pending litigation, attorney-client privilege, or attorney work-product privilege, CalHFA shall inform the individual of that fact. Certain testing and exam information may be considered “confidential” pursuant to [Civil Code Section 1798.40](#). If the individual makes a written request for review of a refusal of access, the CalHFA General Counsel shall make such a review within thirty (30) calendar days of receipt of such request and inform the individual in writing of the decision. Inquiries are “received” at all times on any normal business day between the hours of 8:00am and 5:00pm. After-hours inquiries will be stamped in as “received” on the next business day. The date “received” is excluded when calculating the thirty (30) calendar day due date. If the due date falls on a State holiday, Saturday, or Sunday, then CalHFA shall have until the next business day to respond. Contact information for the CalHFA General Counsel is shown in paragraph III.C.5(a) below.

### 3. Copies

(a) If an individual wishes to receive copies of Personal Records, CalHFA will require prepayment of copy costs of 10¢ per page, plus actual postage costs if copies are mailed, plus archive retrieval costs (actual out-of-pocket costs paid to offsite storage vendor) if applicable. Copies will be furnished within fifteen (15) calendar days of the date payment is received by CalHFA from the individual. Payments are “received” at all times on any normal business day between the hours of 8:00am and 5:00pm. After-hours payments will be stamped in as “received” on the next business day. The date “received” is excluded when calculating the fifteen (15) calendar day due date. If the due date falls on a State holiday, Saturday, or Sunday, then CalHFA shall have until the next business day to respond. Copies will be mailed directly to the individual, or to another person specifically authorized in writing by the individual. Copies may be mailed to an address given by the individual requesting them; however, mortgage records for active loans that are serviced by CalHFA (in-house) are typically mailed to the property address unless the individual proves to CalHFA’s satisfaction that their mail is sent to a different address.

(b) In allowing an individual to obtain copies of Personal Records, any Personal Information relating to another individual shall be redacted.

### 4. Amendments/Corrections

(a) Any written request by an individual to amend or correct Personal Records maintained by CalHFA shall be responded to within thirty (30) calendar days from the date of receipt of the written request by the person directly responsible for the system of records of which the Personal Record is part. Inquiries are “received” at all times on any normal business day between the hours of 8:00am and 5:00pm. After-hours inquiries will be stamped in as “received” on the next business day. The date “received” is excluded when calculating the thirty (30) calendar day due date. If the due date falls on a State holiday, Saturday, or Sunday, then CalHFA shall have until the next business day to respond. The following are the titles and addresses pertaining to Personal Records maintained by CalHFA.



**➤ Where to submit a request for amendments or corrections to mortgage records:**

Loan Servicing Manager  
Loan Servicing, MS 980  
California Housing Finance Agency  
500 Capitol Mall, Suite 900  
Sacramento, CA 95814  
(800) 669-1079

**➤ Where to submit a request for amendments or corrections to tenant records:**

Compliance Officer  
Asset Management Division, MS 1430  
California Housing Finance Agency  
500 Capitol Mall, Suite 1400  
Sacramento, CA 95814  
(916) 326-8639

**➤ Where to submit a request for amendments or corrections to personnel records:**

Personnel Officer  
Administration Division, MS 1410  
California Housing Finance Agency  
500 Capitol Mall, Suite 1400  
Sacramento, CA 95814  
(916) 326-8000

**➤ Where to submit a request for amendments or corrections to business form records:**

Public Records Coordinator  
Office of General Counsel, MS 1440  
California Housing Finance Agency  
500 Capitol Mall, Suite 1400  
Sacramento, CA 95814  
(916) 326-8496

(b) The response shall consist of:

(1) Making the changes requested by the subject individual and notifying her or him of the fact; or,

(2) Informing the individual of CalHFA's refusal to make the changes, the reasons for such refusal, the procedures established for the individual to request a review (contained in paragraph III.C.5(a) below), and the title and business address of the reviewing official. Such response may also include a copy of this policy.

#### 5. Appeal of Amendment/Correction Review

(a) If the individual makes written protest of CalHFA's refusal to make the requested changes, the CalHFA General Counsel shall review the refusal. A determination on the issue must be made within thirty (30) calendar days of the date of receipt of the written protest. For good cause, the review period may be extended by the Executive Director for up to thirty (30) more calendar days. Inquiries are "received" at all times on any normal business day between the hours of 8:00am and 5:00pm. After-hours inquiries will be stamped in as "received" on the next business day. The date "received" is excluded when calculating the thirty (30) calendar day due date. If the due date falls on a State holiday, Saturday, or Sunday, then CalHFA shall have until the next business day to respond. The General Counsel's determination is final. Written inquiries to the General Counsel may be addressed as follows:

➤ **Where to submit an appeal:**

- Written request for a review of a refusal of access (paragraph III.C.2(b) above); or
- Written protest of a refusal to make requested changes (paragraph III.C.5(a) above)

General Counsel, MS 1440  
California Housing Finance Agency  
500 Capitol Mall, Suite 1400  
Sacramento, CA 95814  
(916) 326-8470

(b) If the General Counsel's final determination is to sustain the refusal to make the requested changes, CalHFA will permit the individual to file a statement of reasonable length (1 to 3 pages) setting forth the reasons for the individual's disagreement with the Personal Record. Such statement shall become part of the individual's Personal Record and be disclosed with any authorized disclosures of such Personal Record.

#### **IV. Applicability**

This policy applies to employees performing CalHFA duties and non-employees providing supplemental personnel services to the CalHFA, including temporary employees, retired annuitants, student assistants, and onsite consultants. The term "employees" as used in this policy refers to all such persons. This policy applies to such persons working in any location, including offsite and at home.

#### **V. Questions or Assistance**

Employees with questions or in need of assistance regarding this policy may contact the CalHFA Privacy Program Coordinator (see [Privacy and Information Safeguarding Policy](#)). Contact information is as follows:

Misty Miller  
Staff Services Manager  
Office of General Counsel, MS 1440  
California Housing Finance Agency  
500 Capitol Mall, Suite 1400  
Sacramento, CA 95814  
(916) 326-8481  
[mmiller@calhfa.ca.gov](mailto:mmiller@calhfa.ca.gov)

**VI. Revision History**

<b>Revision</b>	<b>Date of Release</b>	<b>Owner</b>	<b>Summary of Changes</b>
Policy distributed via employee handbook	February 1998	General Counsel	Policy: "Guidelines Governing Employee Conduct and the Rights of Individuals to Examine and Amend Personal Records"
Policy distributed via employee "Insider" (internal website)	November 03, 2011	Privacy Program Coordinator	Renamed: "Information Practices Act Policy"; updated procedures for accessing records
Policy scheduled for distribution via external website	June 12, 2015	Privacy Program Coordinator	Updated procedures for accessing records
Policy scheduled for distribution via external website	June 24, 2015	Privacy Program Coordinator	Updated procedures for accessing records

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