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Director and State Public Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



GAVIN NEWSOM
Governor

June 12, 2023

Re: Public Records Act Request 18493

Dear Steven Kirsch:

The Department of Public Health (CDPH) received your request on May 5, 2023, for the following records under the Public Records Act:

The Department has in its possession records related to deaths in California commencing January, 2021, when the vaccine rollout began. The Department also has in its possession vaccination records for Californians. The Department also possesses the ability to correlate this data using personally identifying information including, but not limited to: Social Security Number, street address, zip code, date of birth, name, and gender.

Accordingly, I hereby request under the California Public Records Act (Govt. Code, §§7920, et seq.) that the Department correlate these data sets and provide for each individual who has died since January 1, 2021 the following data fields for each individual as follows:

Date(s) of COVID-19 vaccination(s): <if any>

Five year age range of the individual (e.g. 50-54)

Date of death

In lieu of personally identifying information, I request that the Department create a random identification number for each individual so that the identity of the individual remains confidential.

I look forward to hearing from you.

Sincerely

We also received your instructions on June 6, 2023:

This is a REPLACEMENT to my original request. I am hoping that the birth, death, and vaccination records have a common unique identifier associated with an individual. So for example, my record ID might be 12345. So my birth record would be: 12345 was born in 1956 and is a white male My death records would be: 12345 died on Jun 6, 2023 My vaccination record would be: 12345 was vaccinated on with vaccine I'd like to get these birth, death, and vaccination records for the last 60 years for just the COVID vaccine.

And we received your instructions on June 7, 2023:

This message replaces all previous messages. I have a way to do this that will save both of us a lot of time. Let's start with the people who died in California aged 45 years old in September 2021. Hopefully, there is a limited set of those people (200 or less). If not I can narrow it further. Can you tell me: 1. How many people meet that query (died at age 45 in September 2021)? 2. How many of those people have ZERO COVID vaccine records? 3. How many of those people had ONE covid vaccine? TWO covid vaccines? THREE covid vaccines? FOUR or more COVID vaccines? 4. How many of those people who died were also born in California? Hopefully this is a manageable request. Thanks!

Unfortunately, CDPH databases for the birth, death, and vaccination records do not have a common unique identifier associated with an individual.

Your requests ask CDPH to create a new record that does not yet exist, by combining individual data entries from separate databases that have separate sources for their data, and attempting to match entries containing information for individuals who may have records in both datasets.

CDPH does not possess an existing record that contains the combined information you seek. The Public Records Act applies only to existing records in the possession of the Department (Government Code Section 7920.530).

Under *Sander v. State Bar of California* (2018) 26 Cal. App. 5th 651, the Public Records Act does not require combining separate databases or creation of a new record by changing the substantive content of an existing database or replacing existing data with new data. Your request would require the creation of a new record and we decline to create the new record you requested. For that reason, your request is respectfully denied.

Although we are declining to create the new record you requested, we also determined that the databases CDPH have do not have the information you want or are exempt by statute from a request under the Public Records Act:

- The California Reportable Disease Information Exchange (CalREDIE) does not have data on deaths from Covid-19 vaccinations. It is also subject to several laws that protect the privacy of individuals (e.g., Section 7927.700 of the Government Code, HIPPA and California's Information Privacy Act, among other laws) that restrict disclosure of data that could lead to identification of any individual.
- The California Immunization Registry (CAIR) database fields do not include a field for death. This database also is also subject to several laws that protect the privacy of individuals, and specifically restricts the disclosure of the types and dates of immunizations received, manufacturer, adverse reaction to immunizations, date and place of birth, gender, and other information that could lead to identification of the individual (e.g., Section 120440 of the Health and Safety Code, Section 7927.700 of the

Government Code, as well as HIPPA and California's Information Privacy Act, among other laws) that restrict disclosure of data that could lead to identification of any individual.

- The CalCONNECT database was used to notify persons of possible exposure to Covid-19, but did not collect information specific to adverse effects related to a vaccine or a vaccine-related death. The data in this database is also subject to several laws that protect the privacy of individuals (e.g., Section 7927.700 of the Government Code, HIPPA and California's Information Privacy Act, among other laws) that restrict disclosure of data that could lead to identification of any individual.
- CDPH is the state repository for official Death Records. Health and Safety Code section 102230(a)(2) provides that the birth, death, and marriage record indices and all comprehensive birth, death, and marriage record indices prepared or maintained by local registrars and county recorders shall be kept confidential and shall be exempt from disclosure under the California Public Records Act. As an alternative, you may want to see if you would meet the requirements to obtain approval to receive Vital Records data as a researcher <https://www.cdph.ca.gov/Programs/CHSI/Pages/Data-Applications.aspx>

Because the databases CDPH have do not contain the information you want or are exempt by statute from a request under the Public Records Act, we would be unable to provide the data you are seeking.

There are publicly available sources, however, for some or most of the data you are seeking:

- [The Vaccine Safety Datalink \(VSD\)](#) — A network of nine integrated healthcare organizations across the United States that conducts active surveillance and research using electronic health records; the system is also used to help determine whether possible side effects identified using VAERS are related to vaccination.
- [CDC's Clinical Immunization Safety Assessment \(CISA\) Project](#) — A collaboration between CDC and seven medical research centers to provide expert consultation on individual cases, assist with vaccine safety surveillance, and conduct clinical research studies about vaccine safety.
- [The Centers for Medicare and Medicaid Services \(CMS\)](#) — A claims-based system for active surveillance and research.
- [FDA's Biologics Effectiveness and Safety \(BEST\) System](#) — A system of electronic health records, administrative, and claims-based data for active surveillance and research.
- [Department of Veterans Affairs \(VA\) Adverse Drug Event Reporting System \(VA ADERS\)](#) — A national reporting system for adverse events following receipt of drugs and immunizations.
- [VA Electronic Health Record](#) — A system of electronic health record and administrative data for active surveillance and research.
- [CDC and FDA's Vaccine Adverse Event Reporting System \(VAERS\)](#) — A national system that accepts reports from healthcare professionals, vaccine manufacturers, and the

public of adverse events that happen after vaccination. Reports of adverse events that are unexpected, appear to happen more often than expected, or have unusual patterns are further assessed.

Studies have also been done that have analyzed the data you are seeking:

- [A safety study evaluating non-COVID-19 mortality risk following COVID-19 vaccination - ScienceDirect](#)
- [COVID-19 Vaccination and Non–COVID-19 Mortality Risk — Seven Integrated Health Care Organizations, United States, December 14, 2020–July 31, 2021 | MMWR \(cdc.gov\)](#)
- [Safety of COVID-19 Vaccination in United States Children Ages 5 to 11 Years | Pediatrics | American Academy of Pediatrics \(aap.org\)](#)

Sincerely,



Keith Van Wagner

Assistant Chief Counsel