

Memorandum 2017-5

California Public Records Act Clean-Up: Scope of Study

Last year, the Legislature added a new study to the Commission’s Calendar of Topics: a nonsubstantive clean-up of the California Public Records Act (“CPRA”) and related provisions.¹ This memorandum introduces the new study and discusses its timing, scope, and methodology.

Attached for convenient reference is a copy of the CPRA (Gov’t Code §§ 6250-6276.48).² Also attached is a copy of the Richard McKee Transparency Act (Educ. Code §§ 72690-72701, 89913-89919, 92950-92961),³ as well as the following communication relating to the study:

Exhibit p.

- Robert E. Griffin, San Luis Obispo (1/22/17)1

TIMING

In its resolution containing the Commission’s current Calendar of Topics, the Legislature

authorizes and requests that the California Law Revision Commission study, report on, and prepare recommended legislation *as soon as possible, considering the commission’s preexisting duties and workload demands*, concerning the revision of the portions of the California Public Records Act and related provisions⁴

1. See 2016 Cal. Stat. res. ch. 150 (ACR 148 (Chau)).

Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. Unless otherwise indicated, all further statutory references are to the Government Code.

3. The Richard McKee Transparency Act was enacted in 2011. Aside from technical amendments of Education Code Sections 72699 and 89918 (made by 2012 Cal. Stat. ch. 162, §§ 41, 43), it has not been revised since its enactment.

4. See 2016 Cal. Stat. res. ch. 150 (ACR 148 (Chau)) (emphasis added).

From the italicized language, it is clear that the Legislature wants the Commission to treat the CPRA study as a high priority matter.

Thus, in the Commission's recent review of new topics and priorities, it decided to begin working on the CPRA study right away.⁵ The Commission should **continue to give this study high priority, and move forward on the topic as promptly as its resources permit.**

OBJECTIVES

The Legislature asked the Commission to achieve a number of objectives in crafting proposed legislation in this study. Specifically, that legislation must accomplish all of the following:

- (1) Reduce the length and complexity of current sections.
- (2) Avoid unnecessary cross-references.
- (3) Neither expand nor contract the scope of existing exemptions to the general rule that records are open to the public pursuant to the current provisions of the Public Records Act.
- (4) To the extent compatible with (3), use terms with common definitions.
- (5) Organize the existing provisions in such a way that similar provisions are located in close proximity to one another.
- (6) Eliminate duplicative provisions.
- (7) Clearly express legislative intent without any change in the substantive provisions⁶

Need For This Type of Clean-Up

If one takes the time to carefully review the current statutory scheme, it becomes readily apparent that the CPRA is due for the type of attention requested by the Legislature. For example, Section 6254 is a classic overlong statute. It spans ten pages in the attached copy of the CPRA, with subdivisions numbered from (a) to (z) followed by (aa) to (ad), most of which are split into numerous paragraphs, subparagraphs, and even some unnumbered provisions.⁷ Overlong statutes are problematic for a number of different reasons,⁸ but Section

5. See *Draft Minutes* (Dec. 2016), pp. 3-4; see also Memorandum 2016-53, pp. 3-4, 43-44, 45.

6. 2016 Cal. Stat. res. ch. 150 (ACR 148 (Chau)).

7. See CPRA Attachment pp. 11-20.

8. See *Nonsubstantive Reorganization of Deadly Weapon Statutes*, 38 Cal. L. Revision Comm'n Reports 217, 238-40 (2009).

6254 suffers from an additional flaw: It conglomerates many substantively different exemptions and disclosure requirements (and various qualifications of, and limitations on, those requirements), while *omitting* some material that relates to key substantive provisions.⁹ Stanford Law School professor Michael Asimow (a Commission consultant on several studies of administrative law) probably had provisions like Section 6254 in mind when he recently welcomed the staff to the CPRA world and said: “Definitely, this is a great subject for the CLRC as the present statute is a patchwork mess.”¹⁰

Nonsubstantive Nature of the Project

In assigning this study, the Legislature made abundantly clear that the Commission’s work is to be entirely nonsubstantive in nature. It specifically directed the Commission to “[n]either expand nor contract the scope of existing exemptions to the general rule that records are open to the public pursuant to the current provisions of the Public Records Act.”¹¹ The Legislature also asked the Commission to “use terms with common definitions,” but only “[t]o the extent compatible” with the requirement to “[n]either expand nor contract the scope of existing exemptions”¹² It further instructed the Commission to “[c]learly express legislative intent *without any change* in the substantive provisions.”¹³

Analyses of the legislative resolution assigning the study, prepared while it was pending, underscore the nonsubstantive nature of the assignment. For example, the Assembly Floor analysis explains:

Given the CLRC’s experience in clarifying the law without affecting its substance, a request to reduce the complexity of the California Public Records Act seems appropriate.... The CPRA, signed into law in 1968 as a general record keeping law, allows the public to monitor government activity. Since the enactment of the CPRA, it has been amended multiple times to exempt certain records.... Due to the multiple changes to the statute, the CPRA has become difficult for the public to understand.

In the past, the CLRC has provided hundreds of recommendations, ranging from the creation of entire codes to the repeal of a single section. Given the CLRC’s experience and

9. See Sections 6254(f) (law enforcement records), 6254.30 (requirement relating to implementation of Section 6254(f)), 6262 (same), 6265 (same); see also Sections 6263 & 6264 (related provisions).

10. Email from M. Asimow to B. Gaal (1/19/17).

11. 2016 Cal. Stat. res. ch. 150 (ACR 148 (Chau)) (emphasis added).

12. *Id.*

13. *Id.* (emphasis added).

expertise in clarifying the law while maintaining the Legislature's intent, it appears reasonable and consistent with the CLRC work that the Legislature asks the CLRC to also review the CPRA to determine whether it should be revised in a non-substantive manner to reduce its length and complexity, avoid unnecessary cross-references, and eliminate duplicative provisions.¹⁴

A purely nonsubstantive approach is critical in this area, because there are many contentious issues relating to the CPRA. To give just a few examples,

- There are ongoing discussions about de-unification of the State Bar, prompted in part by concerns over whether CPRA requirements should apply to State Bar Sections.¹⁵
- There have been recent bills about applying the CPRA to charter schools.¹⁶
- A recent California Supreme Court decision addressed whether litigation invoices sent to a county by an outside law firm are subject to disclosure under the CPRA.¹⁷
- A case pending before the California Supreme Court concerns whether a written communication sent or received by a public official or employee using a private electronic device is subject to the CPRA if the communication pertains to city business.¹⁸
- A 2010 speech by Sarah Palin at CSU Stanislaus prompted debates and legislation about invoking the CPRA to obtain speaking contracts (and other contracts) from CSU auxiliaries and certain other quasi-public entities.¹⁹

To avoid creating concerns over its proposed legislation, the Commission will need to **(1) stick closely to the existing language of the CPRA and (2) use the**

14. Assembly Floor Analysis of ACR 148 (Chau) (Aug. 18, 2016), p. 3 (italics in original).

15. See, e.g., Laura Ernde, *Board Panel Hears Pros and Cons of Dividing State Bar Roles*, Cal. Bar J. (May 2016), available at <http://www.calbarjournal.com/May2016/TopHeadlines/TH2.aspx>; see also Section 6252(f)(2) (As used in CPRA, "state agency" includes State Bar).

16. See AB 709 (Gipson), which passed the Legislature in 2016, but was vetoed by the Governor. AB 913 (Chau) was a similar bill in the 2013-2014 legislative session, which Governor Brown also vetoed. For further discussion of this issue, see *Charter Schools and the Government Claims Act*, 42 Cal. L. Revision Comm'n Reports 225, 264-65 (2012).

17. See *Los Angeles County Board of Supervisors v. Superior Court*, 2 Cal. 5th 282 (2016).

18. See *City of San Jose v. Superior Court* (No. S218066).

19. See, e.g., Lance Williams, *Documents Detailing Palin's CSU Speaking Fee Were Shredded* (June 13, 2010), available at http://www.huffingtonpost.com/2010/04/13/documents-detailing-palin_n_535669.html; 2011 Cal. Stat. ch. 247 (SB 8 (Yee)); SB 218 (Yee) (2009-2010 Reg. Sess.).

other techniques it has developed over the years to ensure that a recodification effects no substantive change.²⁰

Additional Guiding Principles for Preparing the Commission's Recommendation

In addition to complying with the legislative directive to make no substantive change, the Commission may wish to follow a few other guiding principles in conducting this study. In particular, in its study on recodifying the Fish and Game Code, the Commission recently determined that a proposed change should only be considered for inclusion in the proposed law if it meets all three of the following criteria:

- (1) It is plainly beneficial.
- (2) It does not present a significant risk of unintended consequences (i.e., its effects seem straightforward and circumscribed).
- (3) It is not likely to be controversial.²¹

These three criteria “are grounded in pragmatic concerns about the difficulty of achieving enactment” of a bulky recodification bill.²² “With a proposal of this type and size, the Legislature needs to receive a noncontroversial bill, so that it can focus its analytical resources on the primary purpose of the bill: to make the [statutory material] easier to use and understand.”²³

When it adopted the above criteria for use in the Fish and Game study, the Commission indicated that they “should probably be used in any future technical clean-up project.”²⁴ **Would the Commission like to apply the three criteria shown above in its study of the CPRA?**

SCOPE OF STUDY

The legislative resolution instructs the Commission to “study, report on, and prepare recommended legislation ... concerning the revision of *the portions of the*

20. For a description of those techniques, see *Nonsubstantive Reorganization of Deadly Weapon Statutes*, *supra* note 7, at 231-37.

21. Minutes (Sept. 2016), p. 6.

22. Memorandum 2009-53, pp. 45-46; see also First Supplement to Memorandum 2016-47, p. 6.

23. Memorandum 2009-53, pp. 45-46; see also First Supplement to Memorandum 2016-47, p. 6.

24. Minutes (Sept. 2016), p. 6.

*California Public Records Act and related provisions*²⁵ Key issues relating to the scope of this study are:

- Which statutory provisions to include in the study, and
- How to handle Article 2 of the CPRA (Gov't Code §§ 6275-6276.48).

Those issues are discussed in order below.

Which Statutory Provisions to Include in the Study

As originally introduced, the legislative resolution instructed the Commission to “study, report on, and prepare recommended legislation ... concerning the revision of *the portions of the Government Code relating to public records*”²⁶ The Commission raised questions about that language and asked the staff to “investigate whether the scope of the study is limited to the four corners of the Public Records Act or would also include closely-related law located elsewhere in the codes”²⁷

For example, the Commission was interested in whether the study would encompass the Education Code provisions added in 2011 governing access to records of CSU auxiliaries and certain other quasi-public entities (known as “The Richard McKee Transparency Act of 2011”).²⁸ It was also unclear whether the study was supposed to relate solely to public records *inspection* law, or should also encompass other aspects of public records law, such as records management.²⁹

After the staff raised those questions with legislative staff, the resolution was amended to include the current language, which directs the Commission to “study, report on, and prepare recommended legislation ... concerning the revision of *the portions of the California Public Records Act and related provisions*” Thus, the study *does not* appear to be limited to provisions in the Government Code, but *does* appear to be limited to public records *inspection* law, not other aspects of public records law. The bill analyses seem to be consistent with that

25. 2016 Cal. Stat. res. ch. 150 (ACR 148 (Chau)) (emphasis added).

26. ACR 148 (Chau), as introduced on March 3, 2016.

27. Minutes (April 2016), p. 3.

28. See *id.*; see also Educ. Code §§ 72690-72701, 89913-89919, 92950-92961.

29. See Gov't Code §§ 12270-12279 (State Records Management); see also Gov't Code §§ 6200-6203 (crimes relating to public records), 6204-6204.4 (public record protection and recovery), 6205-6210 (confidentiality of certain records about crime victims), 12220-12237 (state archives).

view, though they do not shed much light on it.³⁰ **Unless the Commission otherwise directs, the staff will proceed accordingly in researching which provisions to bring to the Commission’s attention.**

Consistent with that approach, the Commission will need to specifically resolve whether to include the Richard McKee Transparency Act within the scope of this study. That Act incorporates some CPRA provisions by reference³¹ and also contains other provisions relating to record inspection. A copy of the Act is attached for the Commission to consider.³²

The Commission has received a message from Robert E. Griffin encouraging it to include the Richard McKee Transparency Act within the scope of the Commission’s study.³³ He says that the Act “has represented an awkward and largely unnecessarily detailed overlay of the CPRA” and auxiliary organizations “struggle to reconcile its requirements with those under the CPRA used by the CSU and its campuses.”³⁴ He urges the Commission to “give the McKee Act a close read and ... consider its relationship to the CPRA.”³⁵ He believes that it “represents precisely” the type of issues associated with the objectives of the Commission’s study.³⁶

The staff is still gaining familiarity with the Richard McKee Transparency Act, but tentatively recommends including it within the Commission’s study.

Does the Commission want to take that approach?

The staff is also beginning to review the codes to determine which other provisions warrant attention in this study. **We welcome advice on that matter.**

How to Handle Article 2 of the CPRA (Gov’t Code §§ 6275-6276.48)

Article 1 of the CPRA (Gov’t Code §§ 6250-6270.5) is entitled “General Provisions.” This article consists of substantive provisions governing access to public records.

30. See Senate Committee on Judiciary Analysis of ACR 148 (Chau) (June 13, 2016); Senate Floor Analysis of ACR 148 (Chau) (Aug. 15, 2016); Assembly Floor Analysis of ACR 148 (Chau) (Aug. 18, 2016).

31. See Educ. Code §§ 72695, 89915.5, 92955.

32. The Richard McKee Transparency Act was enacted in 2011. Aside from technical amendments of Education Code Sections 72699 and 89918 (made by 2012 Cal. Stat. ch. 162, §§ 41, 43), it has not been revised since its enactment.

33. See Exhibit.

34. *Id.*

35. *Id.*

36. *Id.*

Article 2 of the CPRA (Gov't Code §§ 6275-6276.48) is entitled "Other Exemptions from Disclosure." This article is quite unusual.

It begins with the following statement of legislative intent:

It is the intent of the Legislature to assist members of the public and state and local agencies in identifying exemptions to the California Public Records Act. It is the intent of the Legislature that, after January 1, 1999, each addition or amendment to a statute that exempts any information contained in a public record from disclosure pursuant to subdivision (k) of Section 6254³⁷ shall be listed and described in this article pursuant to a bill authorized by a standing committee of the Legislature to be introduced during the first year of each session of the Legislature. The statutes and constitutional provisions listed in this article may operate to exempt certain records, or portions thereof, from disclosure. The statutes and constitutional provisions listed and described may not be inclusive of all exemptions. The listing of a statute or constitutional provision in this article does not itself create an exemption. Requesters of public records and public agencies are cautioned to review the applicable statute or constitutional provision to determine the extent to which it, in light of the circumstances surrounding the request, exempts public records from disclosure.³⁸

The article is thus intended to be a tool to assist persons in locating CPRA exemptions. It lists exemptions created in other code provisions (mostly located outside the CPRA), rather than creating any exemptions itself.

The next provision in Article 2 makes clear that the article's list of exemptions is not necessarily complete. It states that "[r]ecords or information not required to be disclosed pursuant to subdivision (k) of Section 6254 may include, *but shall not be limited to*, records or information identified in statutes listed in this article."³⁹

The remainder of the article consists of the list of CPRA exemptions. It starts with a code section that refers to an exemption located in the California Constitution.⁴⁰ The article then lists numerous statutory exemptions. That list

37. Section 6254(k) provides as follows:

6254. Except as provided in Sections 6254.7 and 6254.13, this chapter does not require the disclosure of any of the following records:

....

(k) Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

38. Section 6275 (emphasis added).

39. Section 6276 (emphasis added).

40. See Section 6276.01.

spans a series of code sections, with the exempted records appearing in alphabetical order.

Section 6276.02 is typical. It provides as follows:

6276.02. Acquired Immune Deficiency Syndrome, blood test results, written authorization not necessary for disclosure, Section 121010, Health and Safety Code.

Acquired Immune Deficiency Syndrome, blood test subject, compelling identity of, Section 120975, Health and Safety Code.

Acquired Immune Deficiency Syndrome, confidentiality of personal data of patients in State Department of Public Health programs, Section 120820, Health and Safety Code.

Acquired Immune Deficiency Syndrome, confidentiality of research records, Sections 121090, 121095, 121115, and 121120, Health and Safety Code.

Acquired Immune Deficiency Syndrome, confidentiality of vaccine volunteers, Section 121280, Health and Safety Code.

Acquired Immune Deficiency Syndrome, confidentiality of information obtained in prevention programs at correctional facilities and law enforcement agencies, Sections 7552 and 7554, Penal Code.

Acquired Immune Deficiency Syndrome, confidentiality of test results of person convicted of prostitution, Section 1202.6, Penal Code.

Acquired Immune Deficiency Syndrome, disclosure of results of HIV test, penalties, Section 120980, Health and Safety Code.

Acquired Immune Deficiency Syndrome, personal information, insurers tests, confidentiality of, Section 799, Insurance Code.

Acquired Immune Deficiency Syndrome, public safety and testing disclosure, Sections 121065 and 121070, Health and Safety Code.

Acquired Immune Deficiency Syndrome Research and Confidentiality Act, production or discovery of records for use in criminal or civil proceedings against subject prohibited, Section 121100, Health and Safety Code.

Acquired Immune Deficiency Syndrome Public Health Records Confidentiality Act, personally identifying information confidentiality, Section 121025, Health and Safety Code.

Acquired Immune Deficiency Syndrome, test of criminal defendant pursuant to search warrant requested by victim, confidentiality of, Section 1524.1, Penal Code.

Acquired Immune Deficiency Syndrome, test results, disclosure to patient's spouse and others, Section 121015, Health and Safety Code.

Acquired Immune Deficiency Syndrome, test of person under Youth Authority, disclosure of results, Section 1768.9, Welfare and Institutions Code.

Acquired Immune Deficiency Syndrome Research and Confidentiality Act, financial audits or program evaluations, Section 121085, Health and Safety Code.

Acquired Immune Deficiency Syndrome Research and Confidentiality Act, violations, Section 121100, Health and Safety Code.

Acquired Immune Deficiency Syndrome Research and Confidentiality Act, personally identifying research records not to be disclosed, Section 121075, Health and Safety Code.

Acquired Immune Deficiency Syndrome Research and Confidentiality Act, permittee disclosure, Section 121080, Health and Safety Code.

Administrative procedure, adjudicatory hearings, interpreters, Section 11513.

Adoption records, confidentiality of, Section 102730, Health and Safety Code.

Advance Health Care Directive Registry, exemption from disclosure for registration information provided to the Secretary of State, subdivision (ac), Section 6254.

The staff does not know how well the list in Article 2 (hereafter, the “CPRA Index”) is serving its intended purpose. **Input on that point would be extremely helpful.**

In the course of studying the CPRA, the Commission will need to decide what to do with Article 2. Should it recommend that the Legislature retain and continue to update the article each legislative session? Should the provisions currently listed in Article 2 but located outside the CPRA be moved into the CPRA, thus separating them from the substantive material that currently surrounds them? Should Article 2 be repealed and replaced with another statutory tool that serves a similar function? Should Article 2 simply be repealed, without replacing it?

The Commission does not have to resolve these questions yet, but it will need to do so soon. **We much encourage comments on this matter.**

METHODOLOGY

The Legislature did not prescribe any special methodology for the Commission to use in its study of the CPRA. Presumably, the Legislature intended for the Commission to use its normal study process, which is careful, deliberative, and time-tested. Several aspects of that process are discussed below.

General Description of Study Process

The Commission's study process is described in detail in its *Annual Report*.⁴¹ Sometimes the Commission hires a consultant (usually a law professor) to prepare a background study before the Commission begins considering a topic. Because this particular study will be purely technical in nature and the Legislature has expressed some urgency, the background research will be done by the staff, not by a consultant. Interested persons are invited to bring relevant materials to the staff's attention.

In conducting a study, the Commission holds a series of public meetings, at which it makes decisions about how to proceed (what issues to investigate, what reforms to propose, how those reforms should be drafted, and the like). Before each meeting, the staff prepares and distributes a memorandum that serves as the basis for discussion at the meeting. These memoranda are posted on the Commission's website at <www.clrc.ca.gov>. By following the instructions at <<http://www.clrc.ca.gov/G400.html>>, interested persons can subscribe to receive the memoranda for this study electronically as they are generated; persons can also request to be on the Commission's traditional mailing list.

After becoming familiar with a topic and making preliminary decisions, preparation of a tentative recommendation begins. A tentative recommendation has three main components: (1) proposed legislation, (2) a Commission Comment to each section of the proposed legislation, and (3) a narrative explanation of the reform (the "preliminary part"). The tentative recommendation is widely circulated to interested persons for comment. The comment period is usually about three months. During the comment period, it is just as important for an interested person to express support for the proposal as it is to express disapproval.

The Commission then considers the comments at one or more public meetings and determines what, if any, recommendation it will make to the Legislature. The Commission will often substantially revise a proposal in response to comment it receives.

After the Commission approves a final recommendation, the proposal must go through the same legislative process as any other legislative proposal. The

41. The Commission's 2014-2015 *Annual Report* is available in preprint format at <http://www.clrc.ca.gov/pub/Printed-Reports/Pub239-AR14.pdf>. See in particular pages 14-22. For further information on the Commission's study process, see http://www.clrc.ca.gov/Menu5_about/process.html; see also Barbara Gaal, *Evidence Legislation in California*, 36 Sw. Univ. L. Rev. 561, 563-69 (2008).

staff provides the Commission's final recommendation (including the proposed legislation, Commission Comments, and preliminary part) to the policy committees and the Governor. It is properly regarded as legislative history, indicative of legislative intent.⁴²

The process of preparing a final recommendation, even on a narrow, simple, and straightforward topic, takes a minimum of a year, often several years. Then it generally takes at least another year before the proposal is enacted. Legislation generally becomes operative on January 1st of the year following its enactment.⁴³

Participation By Interested Persons

The Commission's longstanding practice is to welcome participation by *any* interested individual or organization in its study process. All Commission meetings are open to the public and members of the public are given opportunities to participate in the discussion. Written comments can be submitted at any time, by mail, email, or other method of delivery.

Comments relating to this study should be directed to Barbara Gaal or Steve Cohen. Their contact information is as follows:

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4000 Middlefield Road, Room D-2
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Comments received shortly before a Commission meeting may not be analyzed and considered as thoroughly as comments received well in advance.

Comments are especially encouraged and solicited during the comment period on a tentative recommendation. Persons or organizations with limited resources may want to focus on providing comments at this stage of the Commission's study.

Efforts to Build the Mailing List for This Study

The staff is still in the process of building its electronic and traditional mailing lists for this study. The Commission has not previously worked on the CPRA, so it does not already have a suitable mailing list in place.

42. See *2014-2015 Annual Report*, *supra* note 41, at 16-22 & cases cited therein.

43. See Cal. Const. art. IV, § 8(c)(1); Gov't Code § 9600(a).

Suggestions about persons and organizations to include on the mailing list would be helpful. In a future memorandum, we will update the Commission on our progress and efforts to reach out to stakeholders.

Code Organization and Statutory Numbering Scheme

In conducting this study, the Commission will need to consider the best means of reorganizing the CPRA and related material. That almost certainly will entail renumbering and relocating some provisions, because Article 1 of the CPRA is currently a jumble of substantive material. It might also be advisable to add more articles to the chapter that contains the CPRA, or make other revisions to the hierarchy within the Government Code.

It is too early for the Commission to make any decisions about precisely how to reorganize the CPRA and related material. Stakeholders may be interested to know, however, that when the Commission proposes to relocate statutory material, it routinely also proposes a provision designed to ease the transition to the new numbering scheme.

For example, the following Penal Code provision was enacted into law in conjunction with the Commission's recent recodification of the deadly weapons statutes:

16010. (a) A provision of this part or of Title 2 (commencing with Section 12001) of Part 4, or any other provision of the Deadly Weapons Recodification Act of 2010, insofar as it is substantially the same as a previously existing provision relating to the same subject matter, shall be considered as a restatement and continuation thereof and not as a new enactment.

(b) A reference in a statute to a previously existing provision that is restated and continued in this part or in Title 2 (commencing with Section 12001) of Part 4, or in any other provision of the Deadly Weapons Recodification Act of 2010, shall, unless a contrary intent appears, be deemed a reference to the restatement and continuation.

(c) A reference in a statute to a provision of this part or of Title 2 (commencing with Section 12001) of Part 4, or any other provision of the Deadly Weapons Recodification Act of 2010, which is substantially the same as a previously existing provision, shall, unless a contrary intent appears, be deemed to include a reference to the previously existing provision.

The Commission could include a similar provision in its recodification of the CPRA and related provisions. **Is the staff correct in assuming that the Commission would like to include such a provision?**

Reference Materials

The staff is still coming up to speed on this new topic. **We would appreciate suggestions regarding any treatises, reference works, or other background materials that might be useful in conducting the study.**

PENDING BILLS

Some pending bills would make revisions relating to the CPRA.⁴⁴ The Commission's study will not interfere with those bills; it should not have any impact on their fate or the fate of any future bills.

The role of the Commission is simply to make recommendations to the Legislature on topics assigned to it for study. *The Commission does not take positions on legislation proposed by others.*

If CPRA-related legislation is enacted while the Commission is conducting this study, the Commission will take the new legislation into account in developing its proposal. If CPRA-related legislation is pending at the same time that the Commission's proposal is pending, any bill conflict could be resolved through bill coordination amendments.

NEXT STEPS

Unless the Commission otherwise instructs, the staff's next step will be to work on a proposed outline for reorganization of the CPRA and related provisions. This outline will be very tentative and preliminary in nature, because it will still be necessary for the Commission to address and resolve some fundamental issues (e.g., identifying all of the statutory provisions to include and determining how to handle Article 2 of the CPRA).

Respectfully submitted,

Steve Cohen
Staff Counsel

Barbara Gaal
Chief Deputy Counsel

44. For example, SB 29 (Lara) (as introduced on Dec. 5, 2016) would specify that any facility that detains an immigrant pursuant to a contract with a city, county, city and county, or a local law enforcement agency is subject to the CPRA. Similarly, AB 73 (Chiu & Cabellero) (as introduced on Dec. 16, 2016) would specify that certain monthly reports are public records under the CPRA and shall be open to public inspection.

**CALIFORNIA PUBLIC RECORDS ACT
(GOV'T CODE §§ 6250-6276.48)**

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CALIFORNIA PUBLIC RECORDS ACT
(GOV'T CODE §§ 6250-6276.48)

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TITLE 1. GENERAL

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DIVISION 7. MISCELLANEOUS

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CHAPTER 3.5. INSPECTION OF PUBLIC RECORDS

Article 1. General Provisions

§ 6250. Legislative finding and declaration

6250. In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.

§ 6251. Name of act

6251. This chapter shall be known and may be cited as the California Public Records Act.

§ 6252. Definitions

6252. As used in this chapter:

(a) "Local agency" includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; other local public agency; or entities that are legislative bodies of a local agency pursuant to subdivisions (c) and (d) of Section 54952.

(b) "Member of the public" means any person, except a member, agent, officer, or employee of a federal, state, or local agency acting within the scope of his or her membership, agency, office, or employment.

(c) "Person" includes any natural person, corporation, partnership, limited liability company, firm, or association.

(d) "Public agency" means any state or local agency.

(e) "Public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. "Public records" in the custody of, or maintained by, the Governor's office means any writing prepared on or after January 6, 1975.

1 (f)(1) "State agency" means every state office, officer, department, division,
2 bureau, board, and commission or other state body or agency, except those
3 agencies provided for in Article IV (except Section 20 thereof) or Article VI of the
4 California Constitution.

5 (2) Notwithstanding paragraph (1) or any other law, "state agency" shall also
6 mean the State Bar of California, as described in Section 6001 of the Business and
7 Professions Code.

8 (g) "Writing" means any handwriting, typewriting, printing, photostating,
9 photographing, photocopying, transmitting by electronic mail or facsimile, and
10 every other means of recording upon any tangible thing any form of
11 communication or representation, including letters, words, pictures, sounds, or
12 symbols, or combinations thereof, and any record thereby created, regardless of
13 the manner in which the record has been stored.

14 **§ 6252.5. Access by elected member or officer of agency**

15 6252.5. Notwithstanding the definition of "member of the public" in Section
16 6252, an elected member or officer of any state or local agency is entitled to
17 access to public records of that agency on the same basis as any other person.
18 Nothing in this section shall limit the ability of elected members or officers to
19 access public records permitted by law in the administration of their duties.

20 This section does not constitute a change in, but is declaratory of, existing law.

21 **§ 6252.6. Information relating to deceased minor foster child**

22 6252.6. Notwithstanding paragraph (2) of subdivision (a) of Section 827 of the
23 Welfare and Institutions Code, after the death of a foster child who is a minor, the
24 name, date of birth, and date of death of the child shall be subject to disclosure by
25 the county child welfare agency pursuant to this chapter.

26 **§ 6252.7. Nondiscrimination by local agency in disclosure to members of local legislative
27 body**

28 6252.7. Notwithstanding Section 6252.5 or any other provision of law, when the
29 members of a legislative body of a local agency are authorized to access a writing
30 of the body or of the agency as permitted by law in the administration of their
31 duties, the local agency, as defined in Section 54951, shall not discriminate
32 between or among any of those members as to which writing or portion thereof is
33 made available or when it is made available.

34 **§ 6253. Procedures governing access to public records subject to disclosure**

35 6253. (a) Public records are open to inspection at all times during the office
36 hours of the state or local agency and every person has a right to inspect any
37 public record, except as hereafter provided. Any reasonably segregable portion of
38 a record shall be available for inspection by any person requesting the record after
39 deletion of the portions that are exempted by law.

1 (b) Except with respect to public records exempt from disclosure by express
2 provisions of law, each state or local agency, upon a request for a copy of records
3 that reasonably describes an identifiable record or records, shall make the records
4 promptly available to any person upon payment of fees covering direct costs of
5 duplication, or a statutory fee if applicable. Upon request, an exact copy shall be
6 provided unless impracticable to do so.

7 (c) Each agency, upon a request for a copy of records, shall, within 10 days from
8 receipt of the request, determine whether the request, in whole or in part, seeks
9 copies of disclosable public records in the possession of the agency and shall
10 promptly notify the person making the request of the determination and the
11 reasons therefor. In unusual circumstances, the time limit prescribed in this section
12 may be extended by written notice by the head of the agency or his or her designee
13 to the person making the request, setting forth the reasons for the extension and
14 the date on which a determination is expected to be dispatched. No notice shall
15 specify a date that would result in an extension for more than 14 days. When the
16 agency dispatches the determination, and if the agency determines that the request
17 seeks disclosable public records, the agency shall state the estimated date and time
18 when the records will be made available. As used in this section, "unusual
19 circumstances" means the following, but only to the extent reasonably necessary
20 to the proper processing of the particular request:

21 (1) The need to search for and collect the requested records from field facilities
22 or other establishments that are separate from the office processing the request.

23 (2) The need to search for, collect, and appropriately examine a voluminous
24 amount of separate and distinct records that are demanded in a single request.

25 (3) The need for consultation, which shall be conducted with all practicable
26 speed, with another agency having substantial interest in the determination of the
27 request or among two or more components of the agency having substantial
28 subject matter interest therein.

29 (4) The need to compile data, to write programming language or a computer
30 program, or to construct a computer report to extract data.

31 (d) Nothing in this chapter shall be construed to permit an agency to delay or
32 obstruct the inspection or copying of public records. The notification of denial of
33 any request for records required by Section 6255 shall set forth the names and
34 titles or positions of each person responsible for the denial.

35 (e) Except as otherwise prohibited by law, a state or local agency may adopt
36 requirements for itself that allow for faster, more efficient, or greater access to
37 records than prescribed by the minimum standards set forth in this chapter.

38 (f) In addition to maintaining public records for public inspection during the
39 office hours of the public agency, a public agency may comply with subdivision
40 (a) by posting any public record on its Internet Web site and, in response to a
41 request for a public record posted on the Internet Web site, directing a member of
42 the public to the location on the Internet Web site where the public record is
43 posted. However, if after the public agency directs a member of the public to the

1 Internet Web site, the member of the public requesting the public record requests a
2 copy of the public record due to an inability to access or reproduce the public
3 record from the Internet Web site, the public agency shall promptly provide a copy
4 of the public record pursuant to subdivision (b).

5 **§ 6253.1. Duties of agency upon request for access to public record**

6 6253.1. (a) When a member of the public requests to inspect a public record or
7 obtain a copy of a public record, the public agency, in order to assist the member
8 of the public make a focused and effective request that reasonably describes an
9 identifiable record or records, shall do all of the following, to the extent reasonable
10 under the circumstances:

11 (1) Assist the member of the public to identify records and information that are
12 responsive to the request or to the purpose of the request, if stated.

13 (2) Describe the information technology and physical location in which the
14 records exist.

15 (3) Provide suggestions for overcoming any practical basis for denying access to
16 the records or information sought.

17 (b) The requirements of paragraph (1) of subdivision (a) shall be deemed to have
18 been satisfied if the public agency is unable to identify the requested information
19 after making a reasonable effort to elicit additional clarifying information from the
20 requester that will help identify the record or records.

21 (c) The requirements of subdivision (a) are in addition to any action required of
22 a public agency by Section 6253.

23 (d) This section shall not apply to a request for public records if any of the
24 following applies:

25 (1) The public agency makes available the requested records pursuant to Section
26 6253.

27 (2) The public agency determines that the request should be denied and bases
28 that determination solely on an exemption listed in Section 6254.

29 (3) The public agency makes available an index of its records.

30 **§ 6253.2. Information relating to providers of in-home supportive services or personal care**
31 **services**

32 6253.2. (a) Notwithstanding any other provision of this chapter to the contrary,
33 information regarding persons paid by the state to provide in-home supportive
34 services pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of
35 Part 3 of Division 9 of the Welfare and Institutions Code, or services provided
36 pursuant to Section 14132.95, 14132.952, or 14132.956 of the Welfare and
37 Institutions Code, is not subject to public disclosure pursuant to this chapter,
38 except as provided in subdivision (b).

39 (b) Copies of names, addresses, home telephone numbers, and personal cellular
40 telephone numbers of persons described in subdivision (a) shall be made available,
41 upon request, to an exclusive bargaining agent and to any labor organization

1 seeking representation rights pursuant to Section 12301.6 or 12302.25 of the
2 Welfare and Institutions Code or the In-Home Supportive Services Employer-
3 Employee Relations Act (Title 23 (commencing with Section 110000)). This
4 information shall not be used by the receiving entity for any purpose other than the
5 employee organizing, representation, and assistance activities of the labor
6 organization.

7 (c) This section applies solely to individuals who provide services under the In-
8 Home Supportive Services Program (Article 7 (commencing with Section 12300)
9 of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code), the
10 Personal Care Services Program pursuant to Section 14132.95 of the Welfare and
11 Institutions Code, the In-Home Supportive Services Plus Option pursuant to
12 Section 14132.952 of the Welfare and Institutions Code, or the Community First
13 Choice Option pursuant to Section 14132.956 of the Welfare and Institutions
14 Code.

15 (d) Nothing in this section is intended to alter or shall be interpreted to alter the
16 rights of parties under the In-Home Supportive Services Employer-Employee
17 Relations Act (Title 23 (commencing with Section 110000)) or any other labor
18 relations law.

19 (e) This section shall be inoperative if the Coordinated Care Initiative becomes
20 inoperative pursuant to Section 34 of the act that added this subdivision.

21 **§ 6253.2 (operative date contingent). Information relating to providers of in-home**
22 **supportive services or personal care services**

23 6253.2. (a) Notwithstanding any other provision of this chapter to the contrary,
24 information regarding persons paid by the state to provide in-home supportive
25 services pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of
26 Part 3 of Division 9 of the Welfare and Institutions Code or personal care services
27 pursuant to Section 14132.95 of the Welfare and Institutions Code, is not subject
28 to public disclosure pursuant to this chapter, except as provided in subdivision (b).

29 (b) Copies of names, addresses, home telephone numbers, and personal cellular
30 telephone numbers of persons described in subdivision (a) shall be made available,
31 upon request, to an exclusive bargaining agent and to any labor organization
32 seeking representation rights pursuant to subdivision (c) of Section 12301.6 or
33 Section 12302.25 of the Welfare and Institutions Code or Chapter 10
34 (commencing with Section 3500) of Division 4 of Title 1. This information shall
35 not be used by the receiving entity for any purpose other than the employee
36 organizing, representation, and assistance activities of the labor organization.

37 (c) This section applies solely to individuals who provide services under the In-
38 Home Supportive Services Program (Article 7 (commencing with Section 12300)
39 of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code) or the
40 Personal Care Services Program pursuant to Section 14132.95 of the Welfare and
41 Institutions Code.

1 (d) Nothing in this section is intended to alter or shall be interpreted to alter the
2 rights of parties under the Meyers-Milias-Brown Act (Chapter 10 (commencing
3 with Section 3500) of Division 4) or any other labor relations law.

4 (e) This section shall be operative only if Section 1 of the act that added this
5 subdivision becomes inoperative pursuant to subdivision (e) of that section.

6 **§ 6253.3. Prohibition against control of disclosure by third party**

7 6253.3. A state or local agency may not allow another party to control the
8 disclosure of information that is otherwise subject to disclosure pursuant to this
9 chapter.

10 **§ 6253.31. Access to agency contract requiring private entity to review, audit, or report on**
11 **that agency**

12 6253.31. Notwithstanding any contract term to the contrary, a contract entered
13 into by a state or local agency subject to this chapter, including the University of
14 California, that requires a private entity to review, audit, or report on any aspect of
15 that agency shall be public to the extent the contract is otherwise subject to
16 disclosure under this chapter.

17 **§ 6253.4. Agency regulations governing access to records**

18 6253.4. (a) Every agency may adopt regulations stating the procedures to be
19 followed when making its records available in accordance with this section.

20 The following state and local bodies shall establish written guidelines for
21 accessibility of records. A copy of these guidelines shall be posted in a
22 conspicuous public place at the offices of these bodies, and a copy of the
23 guidelines shall be available upon request free of charge to any person requesting
24 that body's records:

25 Department of Motor Vehicles

26 Department of Consumer Affairs

27 Transportation Agency

28 Bureau of Real Estate

29 Department of Corrections and Rehabilitation

30 Division of Juvenile Justice

31 Department of Justice

32 Department of Insurance

33 Department of Business Oversight

34 Department of Managed Health Care

35 Secretary of State

36 State Air Resources Board

37 Department of Water Resources

38 Department of Parks and Recreation

39 San Francisco Bay Conservation and Development Commission

40 State Board of Equalization

1 State Department of Health Care Services
2 Employment Development Department
3 State Department of Public Health
4 State Department of Social Services
5 State Department of State Hospitals
6 State Department of Developmental Services
7 Public Employees' Retirement System
8 Teachers' Retirement Board
9 Department of Industrial Relations
10 Department of General Services
11 Department of Veterans Affairs
12 Public Utilities Commission
13 California Coastal Commission
14 State Water Resources Control Board
15 San Francisco Bay Area Rapid Transit District
16 All regional water quality control boards
17 Los Angeles County Air Pollution Control District
18 Bay Area Air Pollution Control District
19 Golden Gate Bridge, Highway and Transportation District
20 Department of Toxic Substances Control
21 Office of Environmental Health Hazard Assessment

22 (b) Guidelines and regulations adopted pursuant to this section shall be
23 consistent with all other sections of this chapter and shall reflect the intention of
24 the Legislature to make the records accessible to the public. The guidelines and
25 regulations adopted pursuant to this section shall not operate to limit the hours
26 public records are open for inspection as prescribed in Section 6253.

27 **§ 6253.5. Access to initiative, referendum, recall, and other specified petitions and**
28 **supporting memoranda**

29 6253.5. Notwithstanding Sections 6252 and 6253, statewide, county, city, and
30 district initiative, referendum, and recall petitions, petitions circulated pursuant to
31 Section 5091 of the Education Code, petitions for the reorganization of school
32 districts submitted pursuant to Article 1 (commencing with Section 35700) of
33 Chapter 4 of Part 21 of the Education Code, petitions for the reorganization of
34 community college districts submitted pursuant to Part 46 (commencing with
35 Section 74000) of the Education Code and all memoranda prepared by the county
36 elections officials in the examination of the petitions indicating which registered
37 voters have signed particular petitions shall not be deemed to be public records
38 and shall not be open to inspection except by the public officer or public
39 employees who have the duty of receiving, examining or preserving the petitions
40 or who are responsible for the preparation of that memoranda and, if the petition is
41 found to be insufficient, by the proponents of the petition and the representatives

1 of the proponents as may be designated by the proponents in writing in order to
2 determine which signatures were disqualified and the reasons therefor. However,
3 the Attorney General, the Secretary of State, the Fair Political Practices
4 Commission, a district attorney, a school district or a community college district
5 attorney, and a city attorney shall be permitted to examine the material upon
6 approval of the appropriate superior court.

7 If the proponents of a petition are permitted to examine the petition and
8 memoranda, the examination shall commence not later than 21 days after
9 certification of insufficiency.

10 (a) As used in this section, "petition" shall mean any petition to which a
11 registered voter has affixed his or her signature.

12 (b) As used in this section "proponents of the petition" means the following:

13 (1) For statewide initiative and referendum measures, the person or persons who
14 submit a draft of a petition proposing the measure to the Attorney General with a
15 request that he or she prepare a title and summary of the chief purpose and points
16 of the proposed measure.

17 (2) For other initiative and referenda on measures, the person or persons who
18 publish a notice of intention to circulate petitions, or, where publication is not
19 required, who file petitions with the elections official.

20 (3) For recall measures, the person or persons defined in Section 343 of the
21 Elections Code.

22 (4) For petitions circulated pursuant to Section 5091 of the Education Code, the
23 person or persons having charge of the petition who submit the petition to the
24 county superintendent of schools.

25 (5) For petitions circulated pursuant to Article 1 (commencing with Section
26 35700) of Chapter 4 of Part 21 of the Education Code, the person or persons
27 designated as chief petitioners under Section 35701 of the Education Code.

28 (6) For petitions circulated pursuant to Part 46 (commencing with Section
29 74000) of the Education Code, the person or persons designated as chief
30 petitioners under Sections 74102, 74133, and 74152 of the Education Code.

31 **§ 6253.6. Information identifying requestors of bilingual ballot or ballot pamphlet**

32 6253.6. (a) Notwithstanding the provisions of Sections 6252 and 6253,
33 information compiled by public officers or public employees revealing the identity
34 of persons who have requested bilingual ballots or ballot pamphlets, made in
35 accordance with any federal or state law, or other data that would reveal the
36 identity of the requester, shall not be deemed to be public records and shall not be
37 provided to any person other than public officers or public employees who are
38 responsible for receiving those requests and processing the same.

39 (b) Nothing contained in subdivision (a) shall be construed as prohibiting any
40 person who is otherwise authorized by law from examining election materials,
41 including, but not limited to, affidavits of registration, provided that requests for

1 bilingual ballots or ballot pamphlets shall be subject to the restrictions contained in
2 subdivision (a).

3 **§ 6253.8. Display of agency's final enforcement orders on website**

4 6253.8. (a) Every final enforcement order issued by an agency listed in
5 subdivision (b) under any provision of law that is administered by an entity listed
6 in subdivision (b), shall be displayed on the entity's Internet website, if the final
7 enforcement order is a public record that is not exempt from disclosure pursuant to
8 this chapter.

9 (b) This section applies to the California Environmental Protection Agency and
10 to all of the following entities within the agency:

11 (1) The State Air Resources Board.

12 (2) The California Integrated Waste Management Board.

13 (3) The State Water Resources Control Board, and each California regional
14 water quality control board.

15 (4) The Department of Pesticide Regulation.

16 (5) The Department of Toxic Substances Control.

17 (c)(1) Except as provided in paragraph (2), for purposes of this section, an
18 enforcement order is final when the time for judicial review has expired on or after
19 January 1, 2001, or when all means of judicial review have been exhausted on or
20 after January 1, 2001.

21 (2) In addition to the requirements of paragraph (1), with regard to a final
22 enforcement order issued by the State Water Resources Control Board or a
23 California regional water quality control board, this section shall apply only to a
24 final enforcement order adopted by that board or a regional board at a public
25 meeting.

26 (d) An order posted pursuant to this section shall be posted for not less than one
27 year.

28 (e) The California Environmental Protection Agency shall oversee the
29 implementation of this section.

30 (f) This section shall become operative April 1, 2001.

31 **§ 6253.9. Information in electronic format**

32 6253.9. (a) Unless otherwise prohibited by law, any agency that has information
33 that constitutes an identifiable public record not exempt from disclosure pursuant
34 to this chapter that is in an electronic format shall make that information available
35 in an electronic format when requested by any person and, when applicable, shall
36 comply with the following:

37 (1) The agency shall make the information available in any electronic format in
38 which it holds the information.

39 (2) Each agency shall provide a copy of an electronic record in the format
40 requested if the requested format is one that has been used by the agency to create
41 copies for its own use or for provision to other agencies. The cost of duplication

1 shall be limited to the direct cost of producing a copy of a record in an electronic
2 format.

3 (b) Notwithstanding paragraph (2) of subdivision (a), the requester shall bear the
4 cost of producing a copy of the record, including the cost to construct a record,
5 and the cost of programming and computer services necessary to produce a copy
6 of the record when either of the following applies:

7 (1) In order to comply with the provisions of subdivision (a), the public agency
8 would be required to produce a copy of an electronic record and the record is one
9 that is produced only at otherwise regularly scheduled intervals.

10 (2) The request would require data compilation, extraction, or programming to
11 produce the record.

12 (c) Nothing in this section shall be construed to require the public agency to
13 reconstruct a record in an electronic format if the agency no longer has the record
14 available in an electronic format.

15 (d) If the request is for information in other than electronic format, and the
16 information also is in electronic format, the agency may inform the requester that
17 the information is available in electronic format.

18 (e) Nothing in this section shall be construed to permit an agency to make
19 information available only in an electronic format.

20 (f) Nothing in this section shall be construed to require the public agency to
21 release an electronic record in the electronic form in which it is held by the agency
22 if its release would jeopardize or compromise the security or integrity of the
23 original record or of any proprietary software in which it is maintained.

24 (g) Nothing in this section shall be construed to permit public access to records
25 held by any agency to which access is otherwise restricted by statute.

26 **§ 6253.10. Formatting of public record on Internet Resource maintained by local agency**

27 6253.10. If a local agency, except a school district, maintains an Internet
28 Resource, including, but not limited to, an Internet Web site, Internet Web page, or
29 Internet Web portal, which the local agency describes or titles as “open data,” and
30 the local agency voluntarily posts a public record on that Internet Resource, the
31 local agency shall post the public record in an open format that meets all of the
32 following requirements:

33 (a) Retrievable, downloadable, indexable, and electronically searchable by
34 commonly used Internet search applications.

35 (b) Platform independent and machine readable.

36 (c) Available to the public free of charge and without any restriction that would
37 impede the reuse or redistribution of the public record.

38 (d) Retains the data definitions and structure present when the data was
39 compiled, if applicable.

1 § 6254. Exemptions from disclosure

2 6254. Except as provided in Sections 6254.7 and 6254.13, this chapter does not
3 require the disclosure of any of the following records:

4 (a) Preliminary drafts, notes, or interagency or intra-agency memoranda that are
5 not retained by the public agency in the ordinary course of business, if the public
6 interest in withholding those records clearly outweighs the public interest in
7 disclosure.

8 (b) Records pertaining to pending litigation to which the public agency is a
9 party, or to claims made pursuant to Division 3.6 (commencing with Section 810),
10 until the pending litigation or claim has been finally adjudicated or otherwise
11 settled.

12 (c) Personnel, medical, or similar files, the disclosure of which would constitute
13 an unwarranted invasion of personal privacy.

14 (d) Records contained in or related to any of the following:

15 (1) Applications filed with any state agency responsible for the regulation or
16 supervision of the issuance of securities or of financial institutions, including, but
17 not limited to, banks, savings and loan associations, industrial loan companies,
18 credit unions, and insurance companies.

19 (2) Examination, operating, or condition reports prepared by, on behalf of, or for
20 the use of, any state agency referred to in paragraph (1).

21 (3) Preliminary drafts, notes, or interagency or intra-agency communications
22 prepared by, on behalf of, or for the use of, any state agency referred to in
23 paragraph (1).

24 (4) Information received in confidence by any state agency referred to in
25 paragraph (1).

26 (e) Geological and geophysical data, plant production data, and similar
27 information relating to utility systems development, or market or crop reports, that
28 are obtained in confidence from any person.

29 (f) Records of complaints to, or investigations conducted by, or records of
30 intelligence information or security procedures of, the office of the Attorney
31 General and the Department of Justice, the Office of Emergency Services and any
32 state or local police agency, or any investigatory or security files compiled by any
33 other state or local police agency, or any investigatory or security files compiled
34 by any other state or local agency for correctional, law enforcement, or licensing
35 purposes. However, state and local law enforcement agencies shall disclose the
36 names and addresses of persons involved in, or witnesses other than confidential
37 informants to, the incident, the description of any property involved, the date,
38 time, and location of the incident, all diagrams, statements of the parties involved
39 in the incident, the statements of all witnesses, other than confidential informants,
40 to the victims of an incident, or an authorized representative thereof, an insurance
41 carrier against which a claim has been or might be made, and any person suffering
42 bodily injury or property damage or loss, as the result of the incident caused by
43 arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle

1 theft, or a crime as defined by subdivision (b) of Section 13951, unless the
2 disclosure would endanger the safety of a witness or other person involved in the
3 investigation, or unless disclosure would endanger the successful completion of
4 the investigation or a related investigation. However, this subdivision does not
5 require the disclosure of that portion of those investigative files that reflects the
6 analysis or conclusions of the investigating officer.

7 Customer lists provided to a state or local police agency by an alarm or security
8 company at the request of the agency shall be construed to be records subject to
9 this subdivision.

10 Notwithstanding any other provision of this subdivision, state and local law
11 enforcement agencies shall make public the following information, except to the
12 extent that disclosure of a particular item of information would endanger the safety
13 of a person involved in an investigation or would endanger the successful
14 completion of the investigation or a related investigation:

15 (1) The full name and occupation of every individual arrested by the agency, the
16 individual's physical description including date of birth, color of eyes and hair,
17 sex, height and weight, the time and date of arrest, the time and date of booking,
18 the location of the arrest, the factual circumstances surrounding the arrest, the
19 amount of bail set, the time and manner of release or the location where the
20 individual is currently being held, and all charges the individual is being held
21 upon, including any outstanding warrants from other jurisdictions and parole or
22 probation holds.

23 (2)(A) Subject to the restrictions imposed by Section 841.5 of the Penal Code,
24 the time, substance, and location of all complaints or requests for assistance
25 received by the agency and the time and nature of the response thereto, including,
26 to the extent the information regarding crimes alleged or committed or any other
27 incident investigated is recorded, the time, date, and location of occurrence, the
28 time and date of the report, the name and age of the victim, the factual
29 circumstances surrounding the crime or incident, and a general description of any
30 injuries, property, or weapons involved. The name of a victim of any crime
31 defined by Section 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c,
32 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3,
33 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code
34 may be withheld at the victim's request, or at the request of the victim's parent or
35 guardian if the victim is a minor. When a person is the victim of more than one
36 crime, information disclosing that the person is a victim of a crime defined in any
37 of the sections of the Penal Code set forth in this subdivision may be deleted at the
38 request of the victim, or the victim's parent or guardian if the victim is a minor, in
39 making the report of the crime, or of any crime or incident accompanying the
40 crime, available to the public in compliance with the requirements of this
41 paragraph.

42 (B) Subject to the restrictions imposed by Section 841.5 of the Penal Code, the
43 names and images of a victim of human trafficking, as defined in Section 236.1 of

1 the Penal Code, and of that victim's immediate family, other than a family
2 member who is charged with a criminal offense arising from the same incident,
3 may be withheld at the victim's request until the investigation or any subsequent
4 prosecution is complete. For purposes of this subdivision, "immediate family"
5 shall have the same meaning as that provided in paragraph (3) of subdivision (b)
6 of Section 422.4 of the Penal Code.

7 (3) Subject to the restrictions of Section 841.5 of the Penal Code and this
8 subdivision, the current address of every individual arrested by the agency and the
9 current address of the victim of a crime, if the requester declares under penalty of
10 perjury that the request is made for a scholarly, journalistic, political, or
11 governmental purpose, or that the request is made for investigation purposes by a
12 licensed private investigator as described in Chapter 11.3 (commencing with
13 Section 7512) of Division 3 of the Business and Professions Code. However, the
14 address of the victim of any crime defined by Section 220, 236.1, 261, 261.5, 262,
15 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d,
16 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7,
17 422.75, 646.9, or 647.6 of the Penal Code shall remain confidential. Address
18 information obtained pursuant to this paragraph shall not be used directly or
19 indirectly, or furnished to another, to sell a product or service to any individual or
20 group of individuals, and the requester shall execute a declaration to that effect
21 under penalty of perjury. This paragraph shall not be construed to prohibit or limit
22 a scholarly, journalistic, political, or government use of address information
23 obtained pursuant to this paragraph.

24 (g) Test questions, scoring keys, and other examination data used to administer a
25 licensing examination, examination for employment, or academic examination,
26 except as provided for in Chapter 3 (commencing with Section 99150) of Part 65
27 of Division 14 of Title 3 of the Education Code.

28 (h) The contents of real estate appraisals or engineering or feasibility estimates
29 and evaluations made for or by the state or local agency relative to the acquisition
30 of property, or to prospective public supply and construction contracts, until all of
31 the property has been acquired or all of the contract agreement obtained. However,
32 the law of eminent domain shall not be affected by this provision.

33 (i) Information required from any taxpayer in connection with the collection of
34 local taxes that is received in confidence and the disclosure of the information to
35 other persons would result in unfair competitive disadvantage to the person
36 supplying the information.

37 (j) Library circulation records kept for the purpose of identifying the borrower of
38 items available in libraries, and library and museum materials made or acquired
39 and presented solely for reference or exhibition purposes. The exemption in this
40 subdivision shall not apply to records of fines imposed on the borrowers.

41 (k) Records, the disclosure of which is exempted or prohibited pursuant to
42 federal or state law, including, but not limited to, provisions of the Evidence Code
43 relating to privilege.

1 (l) Correspondence of and to the Governor or employees of the Governor's
2 office or in the custody of or maintained by the Governor's Legal Affairs
3 Secretary. However, public records shall not be transferred to the custody of the
4 Governor's Legal Affairs Secretary to evade the disclosure provisions of this
5 chapter.

6 (m) In the custody of or maintained by the Legislative Counsel, except those
7 records in the public database maintained by the Legislative Counsel that are
8 described in Section 10248.

9 (n) Statements of personal worth or personal financial data required by a
10 licensing agency and filed by an applicant with the licensing agency to establish
11 his or her personal qualification for the license, certificate, or permit applied for.

12 (o) Financial data contained in applications for financing under Division 27
13 (commencing with Section 44500) of the Health and Safety Code, if an authorized
14 officer of the California Pollution Control Financing Authority determines that
15 disclosure of the financial data would be competitively injurious to the applicant
16 and the data is required in order to obtain guarantees from the United States Small
17 Business Administration. The California Pollution Control Financing Authority
18 shall adopt rules for review of individual requests for confidentiality under this
19 section and for making available to the public those portions of an application that
20 are subject to disclosure under this chapter.

21 (p) Records of state agencies related to activities governed by Chapter 10.3
22 (commencing with Section 3512), Chapter 10.5 (commencing with Section 3525),
23 and Chapter 12 (commencing with Section 3560) of Division 4, that reveal a state
24 agency's deliberative processes, impressions, evaluations, opinions,
25 recommendations, meeting minutes, research, work products, theories, or strategy,
26 or that provide instruction, advice, or training to employees who do not have full
27 collective bargaining and representation rights under these chapters. This
28 subdivision shall not be construed to limit the disclosure duties of a state agency
29 with respect to any other records relating to the activities governed by the
30 employee relations acts referred to in this subdivision.

31 (q)(1) Records of state agencies related to activities governed by Article 2.6
32 (commencing with Section 14081), Article 2.8 (commencing with Section
33 14087.5), and Article 2.91 (commencing with Section 14089) of Chapter 7 of Part
34 3 of Division 9 of the Welfare and Institutions Code, that reveal the special
35 negotiator's deliberative processes, discussions, communications, or any other
36 portion of the negotiations with providers of health care services, impressions,
37 opinions, recommendations, meeting minutes, research, work product, theories, or
38 strategy, or that provide instruction, advice, or training to employees.

39 (2) Except for the portion of a contract containing the rates of payment,
40 contracts for inpatient services entered into pursuant to these articles, on or after
41 April 1, 1984, shall be open to inspection one year after they are fully executed. If
42 a contract for inpatient services that is entered into prior to April 1, 1984, is
43 amended on or after April 1, 1984, the amendment, except for any portion

1 containing the rates of payment, shall be open to inspection one year after it is
2 fully executed. If the California Medical Assistance Commission enters into
3 contracts with health care providers for other than inpatient hospital services, those
4 contracts shall be open to inspection one year after they are fully executed.

5 (3) Three years after a contract or amendment is open to inspection under this
6 subdivision, the portion of the contract or amendment containing the rates of
7 payment shall be open to inspection.

8 (4) Notwithstanding any other law, the entire contract or amendment shall be
9 open to inspection by the Joint Legislative Audit Committee and the Legislative
10 Analyst's Office. The committee and that office shall maintain the confidentiality
11 of the contracts and amendments until the time a contract or amendment is fully
12 open to inspection by the public.

13 (r) Records of Native American graves, cemeteries, and sacred places and
14 records of Native American places, features, and objects described in Sections
15 5097.9 and 5097.993 of the Public Resources Code maintained by, or in the
16 possession of, the Native American Heritage Commission, another state agency, or
17 a local agency.

18 (s) A final accreditation report of the Joint Commission on Accreditation of
19 Hospitals that has been transmitted to the State Department of Health Care
20 Services pursuant to subdivision (b) of Section 1282 of the Health and Safety
21 Code.

22 (t) Records of a local hospital district, formed pursuant to Division 23
23 (commencing with Section 32000) of the Health and Safety Code, or the records
24 of a municipal hospital, formed pursuant to Article 7 (commencing with Section
25 37600) or Article 8 (commencing with Section 37650) of Chapter 5 of Part 2 of
26 Division 3 of Title 4 of this code, that relate to any contract with an insurer or
27 nonprofit hospital service plan for inpatient or outpatient services for alternative
28 rates pursuant to Section 10133 of the Insurance Code. However, the record shall
29 be open to inspection within one year after the contract is fully executed.

30 (u)(1) Information contained in applications for licenses to carry firearms issued
31 pursuant to Section 26150, 26155, 26170, or 26215 of the Penal Code by the
32 sheriff of a county or the chief or other head of a municipal police department that
33 indicates when or where the applicant is vulnerable to attack or that concerns the
34 applicant's medical or psychological history or that of members of his or her
35 family.

36 (2) The home address and telephone number of prosecutors, public defenders,
37 peace officers, judges, court commissioners, and magistrates that are set forth in
38 applications for licenses to carry firearms issued pursuant to Section 26150,
39 26155, 26170, or 26215 of the Penal Code by the sheriff of a county or the chief or
40 other head of a municipal police department.

41 (3) The home address and telephone number of prosecutors, public defenders,
42 peace officers, judges, court commissioners, and magistrates that are set forth in
43 licenses to carry firearms issued pursuant to Section 26150, 26155, 26170, or

1 26215 of the Penal Code by the sheriff of a county or the chief or other head of a
2 municipal police department.

3 (v)(1) Records of the Managed Risk Medical Insurance Board and the State
4 Department of Health Care Services related to activities governed by Part 6.3
5 (commencing with Section 12695), Part 6.5 (commencing with Section 12700),
6 Part 6.6 (commencing with Section 12739.5), or Part 6.7 (commencing with
7 Section 12739.70) of Division 2 of the Insurance Code, or Chapter 2 (commencing
8 with Section 15810) or Chapter 4 (commencing with Section 15870) of Part 3.3 of
9 Division 9 of the Welfare and Institutions Code, and that reveal any of the
10 following:

11 (A) The deliberative processes, discussions, communications, or any other
12 portion of the negotiations with entities contracting or seeking to contract with the
13 board or the department, entities with which the board or the department is
14 considering a contract, or entities with which the board or department is
15 considering or enters into any other arrangement under which the board or the
16 department provides, receives, or arranges services or reimbursement.

17 (B) The impressions, opinions, recommendations, meeting minutes, research,
18 work product, theories, or strategy of the board or its staff or the department or its
19 staff, or records that provide instructions, advice, or training to their employees.

20 (2)(A) Except for the portion of a contract that contains the rates of payment,
21 contracts entered into pursuant to Part 6.3 (commencing with Section 12695), Part
22 6.5 (commencing with Section 12700), Part 6.6 (commencing with Section
23 12739.5), or Part 6.7 (commencing with Section 12739.70) of Division 2 of the
24 Insurance Code, or Chapter 2 (commencing with Section 15810) or Chapter 4
25 (commencing with Section 15870) of Part 3.3 of Division 9 of the Welfare and
26 Institutions Code, on or after July 1, 1991, shall be open to inspection one year
27 after their effective dates.

28 (B) If a contract that is entered into prior to July 1, 1991, is amended on or after
29 July 1, 1991, the amendment, except for any portion containing the rates of
30 payment, shall be open to inspection one year after the effective date of the
31 amendment.

32 (3) Three years after a contract or amendment is open to inspection pursuant to
33 this subdivision, the portion of the contract or amendment containing the rates of
34 payment shall be open to inspection.

35 (4) Notwithstanding any other law, the entire contract or amendments to a
36 contract shall be open to inspection by the Joint Legislative Audit Committee. The
37 committee shall maintain the confidentiality of the contracts and amendments
38 thereto, until the contracts or amendments to the contracts are open to inspection
39 pursuant to paragraph (3).

40 (w)(1) Records of the Managed Risk Medical Insurance Board related to
41 activities governed by Chapter 8 (commencing with Section 10700) of Part 2 of
42 Division 2 of the Insurance Code, and that reveal the deliberative processes,
43 discussions, communications, or any other portion of the negotiations with health

1 plans, or the impressions, opinions, recommendations, meeting minutes, research,
2 work product, theories, or strategy of the board or its staff, or records that provide
3 instructions, advice, or training to employees.

4 (2) Except for the portion of a contract that contains the rates of payment,
5 contracts for health coverage entered into pursuant to Chapter 8 (commencing
6 with Section 10700) of Part 2 of Division 2 of the Insurance Code, on or after
7 January 1, 1993, shall be open to inspection one year after they have been fully
8 executed.

9 (3) Notwithstanding any other law, the entire contract or amendments to a
10 contract shall be open to inspection by the Joint Legislative Audit Committee. The
11 committee shall maintain the confidentiality of the contracts and amendments
12 thereto, until the contracts or amendments to the contracts are open to inspection
13 pursuant to paragraph (2).

14 (x) Financial data contained in applications for registration, or registration
15 renewal, as a service contractor filed with the Director of Consumer Affairs
16 pursuant to Chapter 20 (commencing with Section 9800) of Division 3 of the
17 Business and Professions Code, for the purpose of establishing the service
18 contractor's net worth, or financial data regarding the funded accounts held in
19 escrow for service contracts held in force in this state by a service contractor.

20 (y)(1) Records of the Managed Risk Medical Insurance Board and the State
21 Department of Health Care Services related to activities governed by Part 6.2
22 (commencing with Section 12693) or Part 6.4 (commencing with Section
23 12699.50) of Division 2 of the Insurance Code or Sections 14005.26 and 14005.27
24 of, or Chapter 3 (commencing with Section 15850) of Part 3.3 of Division 9 of, the
25 Welfare and Institutions Code, if the records reveal any of the following:

26 (A) The deliberative processes, discussions, communications, or any other
27 portion of the negotiations with entities contracting or seeking to contract with the
28 board or the department, entities with which the board or department is
29 considering a contract, or entities with which the board or department is
30 considering or enters into any other arrangement under which the board or
31 department provides, receives, or arranges services or reimbursement.

32 (B) The impressions, opinions, recommendations, meeting minutes, research,
33 work product, theories, or strategy of the board or its staff, or the department or its
34 staff, or records that provide instructions, advice, or training to employees.

35 (2)(A) Except for the portion of a contract that contains the rates of payment,
36 contracts entered into pursuant to Part 6.2 (commencing with Section 12693) or
37 Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance
38 Code, on or after January 1, 1998, or Sections 14005.26 and 14005.27 of, or
39 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division 9 of, the
40 Welfare and Institutions Code shall be open to inspection one year after their
41 effective dates.

42 (B) If a contract entered into pursuant to Part 6.2 (commencing with Section
43 12693) or Part 6.4 (commencing with Section 12699.50) of Division 2 of the

1 Insurance Code or Sections 14005.26 and 14005.27 of, or Chapter 3 (commencing
2 with Section 15850) of Part 3.3 of Division 9 of, the Welfare and Institutions
3 Code, is amended, the amendment shall be open to inspection one year after the
4 effective date of the amendment.

5 (3) Three years after a contract or amendment is open to inspection pursuant to
6 this subdivision, the portion of the contract or amendment containing the rates of
7 payment shall be open to inspection.

8 (4) Notwithstanding any other law, the entire contract or amendments to a
9 contract shall be open to inspection by the Joint Legislative Audit Committee. The
10 committee shall maintain the confidentiality of the contracts and amendments
11 thereto until the contract or amendments to a contract are open to inspection
12 pursuant to paragraph (2) or (3).

13 (5) The exemption from disclosure provided pursuant to this subdivision for the
14 contracts, deliberative processes, discussions, communications, negotiations,
15 impressions, opinions, recommendations, meeting minutes, research, work
16 product, theories, or strategy of the board or its staff, or the department or its staff,
17 shall also apply to the contracts, deliberative processes, discussions,
18 communications, negotiations, impressions, opinions, recommendations, meeting
19 minutes, research, work product, theories, or strategy of applicants pursuant to
20 Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code
21 or Chapter 3 (commencing with Section 15850) of Part 3.3 of Division 9 of the
22 Welfare and Institutions Code.

23 (z) Records obtained pursuant to paragraph (2) of subdivision (f) of Section
24 2891.1 of the Public Utilities Code.

25 (aa) A document prepared by or for a state or local agency that assesses its
26 vulnerability to terrorist attack or other criminal acts intended to disrupt the public
27 agency's operations and that is for distribution or consideration in a closed
28 session.

29 (ab) Critical infrastructure information, as defined in Section 131(3) of Title 6 of
30 the United States Code, that is voluntarily submitted to the Office of Emergency
31 Services for use by that office, including the identity of the person who or entity
32 that voluntarily submitted the information. As used in this subdivision,
33 "voluntarily submitted" means submitted in the absence of the office exercising
34 any legal authority to compel access to or submission of critical infrastructure
35 information. This subdivision shall not affect the status of information in the
36 possession of any other state or local governmental agency.

37 (ac) All information provided to the Secretary of State by a person for the
38 purpose of registration in the Advance Health Care Directive Registry, except that
39 those records shall be released at the request of a health care provider, a public
40 guardian, or the registrant's legal representative.

41 (ad) The following records of the State Compensation Insurance Fund:

1 (1) Records related to claims pursuant to Chapter 1 (commencing with Section
2 3200) of Division 4 of the Labor Code, to the extent that confidential medical
3 information or other individually identifiable information would be disclosed.

4 (2) Records related to the discussions, communications, or any other portion of
5 the negotiations with entities contracting or seeking to contract with the fund, and
6 any related deliberations.

7 (3) Records related to the impressions, opinions, recommendations, meeting
8 minutes of meetings or sessions that are lawfully closed to the public, research,
9 work product, theories, or strategy of the fund or its staff, on the development of
10 rates, contracting strategy, underwriting, or competitive strategy pursuant to the
11 powers granted to the fund in Chapter 4 (commencing with Section 11770) of Part
12 3 of Division 2 of the Insurance Code.

13 (4) Records obtained to provide workers' compensation insurance under Chapter
14 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code,
15 including, but not limited to, any medical claims information, policyholder
16 information provided that nothing in this paragraph shall be interpreted to prevent
17 an insurance agent or broker from obtaining proprietary information or other
18 information authorized by law to be obtained by the agent or broker, and
19 information on rates, pricing, and claims handling received from brokers.

20 (5)(A) Records that are trade secrets pursuant to Section 6276.44, or Article 11
21 (commencing with Section 1060) of Chapter 4 of Division 8 of the Evidence
22 Code, including without limitation, instructions, advice, or training provided by
23 the State Compensation Insurance Fund to its board members, officers, and
24 employees regarding the fund's special investigation unit, internal audit unit, and
25 informational security, marketing, rating, pricing, underwriting, claims handling,
26 audits, and collections.

27 (B) Notwithstanding subparagraph (A), the portions of records containing trade
28 secrets shall be available for review by the Joint Legislative Audit Committee,
29 California State Auditor's Office, Division of Workers' Compensation, and the
30 Department of Insurance to ensure compliance with applicable law.

31 (6)(A) Internal audits containing proprietary information and the following
32 records that are related to an internal audit:

33 (i) Personal papers and correspondence of any person providing assistance to the
34 fund when that person has requested in writing that his or her papers and
35 correspondence be kept private and confidential. Those papers and correspondence
36 shall become public records if the written request is withdrawn, or upon order of
37 the fund.

38 (ii) Papers, correspondence, memoranda, or any substantive information
39 pertaining to any audit not completed or an internal audit that contains proprietary
40 information.

41 (B) Notwithstanding subparagraph (A), the portions of records containing
42 proprietary information, or any information specified in subparagraph (A) shall be
43 available for review by the Joint Legislative Audit Committee, California State

1 Auditor's Office, Division of Workers' Compensation, and the Department of
2 Insurance to ensure compliance with applicable law.

3 (7)(A) Except as provided in subparagraph (C), contracts entered into pursuant
4 to Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the
5 Insurance Code shall be open to inspection one year after the contract has been
6 fully executed.

7 (B) If a contract entered into pursuant to Chapter 4 (commencing with Section
8 11770) of Part 3 of Division 2 of the Insurance Code is amended, the amendment
9 shall be open to inspection one year after the amendment has been fully executed.

10 (C) Three years after a contract or amendment is open to inspection pursuant to
11 this subdivision, the portion of the contract or amendment containing the rates of
12 payment shall be open to inspection.

13 (D) Notwithstanding any other law, the entire contract or amendments to a
14 contract shall be open to inspection by the Joint Legislative Audit Committee. The
15 committee shall maintain the confidentiality of the contracts and amendments
16 thereto until the contract or amendments to a contract are open to inspection
17 pursuant to this paragraph.

18 (E) This paragraph is not intended to apply to documents related to contracts
19 with public entities that are not otherwise expressly confidential as to that public
20 entity.

21 (F) For purposes of this paragraph, "fully executed" means the point in time
22 when all of the necessary parties to the contract have signed the contract.

23 This section does not prevent any agency from opening its records concerning
24 the administration of the agency to public inspection, unless disclosure is
25 otherwise prohibited by law.

26 This section does not prevent any health facility from disclosing to a certified
27 bargaining agent relevant financing information pursuant to Section 8 of the
28 National Labor Relations Act (29 U.S.C. Sec. 158).

29 **§ 6254.1. Personal information governed by other statutes**

30 6254.1. (a) Except as provided in Section 6254.7, nothing in this chapter
31 requires disclosure of records that are the residence address of any person
32 contained in the records of the Department of Housing and Community
33 Development, if the person has requested confidentiality of that information, in
34 accordance with Section 18081 of the Health and Safety Code.

35 (b) Nothing in this chapter requires the disclosure of the residence or mailing
36 address of any person in any record of the Department of Motor Vehicles except in
37 accordance with Section 1808.21 of the Vehicle Code.

38 (c) Nothing in this chapter requires the disclosure of the results of a test
39 undertaken pursuant to Section 12804.8 of the Vehicle Code.

1 **§ 6254.2. Pesticide information**

2 6254.2. (a) Nothing in this chapter exempts from public disclosure the same
3 categories of pesticide safety and efficacy information that are disclosable under
4 paragraph (1) of subsection (d) of Section 10 of the federal Insecticide, Fungicide,
5 and Rodenticide Act (7 U.S.C. Sec. 136h(d)(1)), if the individual requesting the
6 information is not an officer, employee, or agent specified in subdivision (h) and
7 signs the affirmation specified in subdivision (h).

8 (b) The Director of Pesticide Regulation, upon his or her initiative, or upon
9 receipt of a request pursuant to this chapter for the release of data submitted and
10 designated as a trade secret by a registrant or applicant, shall determine whether
11 any or all of the data so submitted is a properly designated trade secret. In order to
12 assure that the interested public has an opportunity to obtain and review pesticide
13 safety and efficacy data and to comment prior to the expiration of the public
14 comment period on a proposed pesticide registration, the director shall provide
15 notice to interested persons when an application for registration enters the
16 registration evaluation process.

17 (c) If the director determines that the data is not a trade secret, the director shall
18 notify the registrant or applicant by certified mail.

19 (d) The registrant or applicant shall have 30 days after receipt of this notification
20 to provide the director with a complete justification and statement of the grounds
21 on which the trade secret privilege is claimed. This justification and statement
22 shall be submitted by certified mail.

23 (e) The director shall determine whether the data is protected as a trade secret
24 within 15 days after receipt of the justification and statement or, if no justification
25 and statement is filed, within 45 days of the original notice. The director shall
26 notify the registrant or applicant and any party who has requested the data
27 pursuant to this chapter of that determination by certified mail. If the director
28 determines that the data is not protected as a trade secret, the final notice shall also
29 specify a date, not sooner than 15 days after the date of mailing of the final notice,
30 when the data shall be available to any person requesting information pursuant to
31 subdivision (a).

32 (f) “Trade secret” means data that is nondisclosable under paragraph (1) of
33 subsection (d) of Section 10 of the federal Insecticide, Fungicide, and Rodenticide
34 Act.

35 (g) This section shall be operative only so long as, and to the extent that,
36 enforcement of paragraph (1) of subsection (d) of Section 10 of the federal
37 Insecticide, Fungicide, and Rodenticide Act has not been enjoined by federal court
38 order, and shall become inoperative if an unappealable federal court judgment or
39 decision becomes final that holds that paragraph invalid, to the extent of the
40 invalidity.

41 (h) The director shall not knowingly disclose information submitted to the state
42 by an applicant or registrant pursuant to Article 4 (commencing with Section
43 12811) of Chapter 2 of Division 7 of the Food and Agricultural Code to any

1 officer, employee, or agent of any business or other entity engaged in the
2 production, sale, or distribution of pesticides in countries other than the United
3 States or in countries in addition to the United States, or to any other person who
4 intends to deliver this information to any foreign or multi-national business or
5 entity, unless the applicant or registrant consents to the disclosure. To implement
6 this subdivision, the director shall require the following affirmation to be signed
7 by the person who requests such information:

8 AFFIRMATION OF STATUS

9 This affirmation is required by Section 6254.2 of the Government Code.

10 I have requested access to information submitted to the Department of Pesticide
11 Regulation (or previously submitted to the Department of Food and Agriculture)
12 by a pesticide applicant or registrant pursuant to the California Food and
13 Agricultural Code. I hereby affirm all of the following statements:

14 (1) I do not seek access to the information for purposes of delivering it or
15 offering it for sale to any business or other entity, including the business or entity
16 of which I am an officer, employee, or agent engaged in the production, sale, or
17 distribution of pesticides in countries other than the United States or in countries
18 in addition to the United States, or to the officers, employees, or agents of such a
19 business or entity.

20 (2) I will not purposefully deliver or negligently cause the data to be delivered to
21 a business or entity specified in paragraph (1) or its officers, employees, or agents.

22 I am aware that I may be subject to criminal penalties under Section 118 of the
23 Penal Code if I make any statement of material facts knowing that the statement is
24 false or if I willfully conceal any material fact.

25 _____
Name of Requester

Name of Requester's Organization

26 _____
Signature of Requester

Address of Requester

27 _____
Date

Request No.

Telephone Number of Requester

28 _____
29 Name, Address, and Telephone
30 Number of Requester's Client,
31 if the requester has requested
32 access to the information on
33 behalf of someone other than
34 the requester or the requester's
35 organization listed above.

1 (i) Notwithstanding any other provision of this section, the director may disclose
2 information submitted by an applicant or registrant to any person in connection
3 with a public proceeding conducted under law or regulation, if the director
4 determines that the information is needed to determine whether a pesticide, or any
5 ingredient of any pesticide, causes unreasonable adverse effects on health or the
6 environment.

7 (j) The director shall maintain records of the names of persons to whom data is
8 disclosed pursuant to this section and the persons or organizations they represent
9 and shall inform the applicant or registrant of the names and the affiliation of these
10 persons.

11 (k) Section 118 of the Penal Code applies to any affirmation made pursuant to
12 this section.

13 (l) Any officer or employee of the state or former officer or employee of the
14 state who, because of this employment or official position, obtains possession of,
15 or has access to, material which is prohibited from disclosure by this section, and
16 who, knowing that disclosure of this material is prohibited by this section,
17 willfully discloses the material in any manner to any person not entitled to receive
18 it, shall, upon conviction, be punished by a fine of not more than ten thousand
19 dollars (\$10,000), or by imprisonment in the county jail for not more than one
20 year, or by both fine and imprisonment.

21 For purposes of this subdivision, any contractor with the state who is furnished
22 information pursuant to this section, or any employee of any contractor, shall be
23 considered an employee of the state.

24 (m) This section does not prohibit any person from maintaining a civil action for
25 wrongful disclosure of trade secrets.

26 (n) The director may limit an individual to one request per month pursuant to
27 this section if the director determines that a person has made a frivolous request
28 within the past 12-month period.

29 **§ 6254.3. Personal information of agency employee**

30 6254.3. (a) The home addresses, home telephone numbers, personal cellular
31 telephone numbers, and birth dates of all employees of a public agency shall not
32 be deemed to be public records and shall not be open to public inspection, except
33 that disclosure of that information may be made as follows:

34 (1) To an agent, or a family member of the individual to whom the information
35 pertains.

36 (2) To an officer or employee of another public agency when necessary for the
37 performance of its official duties.

38 (3) To an employee organization pursuant to regulations and decisions of the
39 Public Employment Relations Board, except that the home addresses and any
40 phone numbers on file with the employer of employees performing law
41 enforcement-related functions, and the birth date of any employee, shall not be
42 disclosed.

1 (4) To an agent or employee of a health benefit plan providing health services or
2 administering claims for health services to public agencies and their enrolled
3 dependents, for the purpose of providing the health services or administering
4 claims for employees and their enrolled dependents.

5 (b) Upon written request of any employee, a public agency shall not disclose the
6 employee's home address, home telephone number, personal cellular telephone
7 number, or birth date pursuant to paragraph (3) of subdivision (a) and an agency
8 shall remove the employee's home address, home telephone number, and personal
9 cellular telephone number from any mailing list maintained by the agency, except
10 if the list is used exclusively by the agency to contact the employee.

11 **§ 6254.4. Voter registration information**

12 6254.4. (a) The home address, telephone number, email address, precinct
13 number, or other number specified by the Secretary of State for voter registration
14 purposes, and prior registration information shown on the affidavit of registration,
15 is confidential and shall not be disclosed to any person, except pursuant to Section
16 2194 of the Elections Code.

17 (b) For purposes of this section, "home address" means street address only, and
18 does not include an individual's city or post office address.

19 (c) The California driver's license number, the California identification card
20 number, the social security number, and any other unique identifier used by the
21 State of California for purposes of voter identification shown on an affidavit of
22 registration, or added to the voter registration records to comply with the
23 requirements of the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301
24 et seq.), are confidential and shall not be disclosed to any person.

25 (d) The signature of the voter that is shown on the affidavit of registration is
26 confidential and shall not be disclosed to any person.

27 **§ 6254.5. Waiver of exemption based on disclosure**

28 6254.5. Notwithstanding any other law, if a state or local agency discloses a
29 public record that is otherwise exempt from this chapter, to a member of the
30 public, this disclosure shall constitute a waiver of the exemptions specified in
31 Section 6254 or 6254.7, or other similar provisions of law. For purposes of this
32 section, "agency" includes a member, agent, officer, or employee of the agency
33 acting within the scope of his or her membership, agency, office, or employment.

34 This section, however, shall not apply to disclosures:

35 (a) Made pursuant to the Information Practices Act (Chapter 1 (commencing
36 with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code) or
37 discovery proceedings.

38 (b) Made through other legal proceedings or as otherwise required by law.

39 (c) Within the scope of disclosure of a statute that limits disclosure of specified
40 writings to certain purposes.

1 (d) Not required by law, and prohibited by formal action of an elected legislative
2 body of the local agency that retains the writings.

3 (e) Made to a governmental agency that agrees to treat the disclosed material as
4 confidential. Only persons authorized in writing by the person in charge of the
5 agency shall be permitted to obtain the information. Any information obtained by
6 the agency shall only be used for purposes that are consistent with existing law.

7 (f) Of records relating to a financial institution or an affiliate thereof, if the
8 disclosures are made to the financial institution or affiliate by a state agency
9 responsible for the regulation or supervision of the financial institution or affiliate.

10 (g) Of records relating to a person who is subject to the jurisdiction of the
11 Department of Business Oversight, if the disclosures are made to the person who
12 is the subject of the records for the purpose of corrective action by that person, or,
13 if a corporation, to an officer, director, or other key personnel of the corporation
14 for the purpose of corrective action, or to any other person to the extent necessary
15 to obtain information from that person for the purpose of an investigation by the
16 Department of Business Oversight.

17 (h) Made by the Commissioner of Business Oversight under Section 450, 452,
18 8009, or 18396 of the Financial Code.

19 (i) Of records relating to a person who is subject to the jurisdiction of the
20 Department of Managed Health Care, if the disclosures are made to the person
21 who is the subject of the records for the purpose of corrective action by that
22 person, or, if a corporation, to an officer, director, or other key personnel of the
23 corporation for the purpose of corrective action, or to any other person to the
24 extent necessary to obtain information from that person for the purpose of an
25 investigation by the Department of Managed Health Care.

26 **§ 6254.6. Identity of private industry employer obtained in conjunction with collection of**
27 **private industry wage data**

28 6254.6. Whenever a city and county or a joint powers agency, pursuant to a
29 mandatory statute or charter provision to collect private industry wage data for
30 salary setting purposes, or a contract entered to implement that mandate, is
31 provided this data by the federal Bureau of Labor Statistics on the basis that the
32 identity of private industry employers shall remain confidential, the identity of the
33 employers shall not be open to the public or be admitted as evidence in any action
34 or special proceeding.

35 **§ 6254.7. Pollution information**

36 6254.7. (a) All information, analyses, plans, or specifications that disclose the
37 nature, extent, quantity, or degree of air contaminants or other pollution which any
38 article, machine, equipment, or other contrivance will produce, which any air
39 pollution control district or air quality management district, or any other state or
40 local agency or district, requires any applicant to provide before the applicant

1 builds, erects, alters, replaces, operates, sells, rents, or uses the article, machine,
2 equipment, or other contrivance, are public records.

3 (b) All air or other pollution monitoring data, including data compiled from
4 stationary sources, are public records.

5 (c) All records of notices and orders directed to the owner of any building of
6 violations of housing or building codes, ordinances, statutes, or regulations which
7 constitute violations of standards provided in Section 1941.1 of the Civil Code,
8 and records of subsequent action with respect to those notices and orders, are
9 public records.

10 (d) Except as otherwise provided in subdivision (e) and Chapter 3 (commencing
11 with Section 99150) of Part 65 of the Education Code, trade secrets are not public
12 records under this section. "Trade secrets," as used in this section, may include,
13 but are not limited to, any formula, plan, pattern, process, tool, mechanism,
14 compound, procedure, production data, or compilation of information which is not
15 patented, which is known only to certain individuals within a commercial concern
16 who are using it to fabricate, produce, or compound an article of trade or a service
17 having commercial value and which gives its user an opportunity to obtain a
18 business advantage over competitors who do not know or use it.

19 (e) Notwithstanding any other provision of law, all air pollution emission data,
20 including those emission data which constitute trade secrets as defined in
21 subdivision (d), are public records. Data used to calculate emission data are not
22 emission data for the purposes of this subdivision and data which constitute trade
23 secrets and which are used to calculate emission data are not public records.

24 (f) Data used to calculate the costs of obtaining emissions offsets are not public
25 records. At the time that an air pollution control district or air quality management
26 district issues a permit to construct to an applicant who is required to obtain offsets
27 pursuant to district rules and regulations, data obtained from the applicant
28 consisting of the year the offset transaction occurred, the amount of offsets
29 purchased, by pollutant, and the total cost, by pollutant, of the offsets purchased is
30 a public record. If an application is denied, the data shall not be a public record.

31 **§ 6254.8. Agency employment contracts**

32 6254.8. Every employment contract between a state or local agency and any
33 public official or public employee is a public record which is not subject to the
34 provisions of Sections 6254 and 6255.

35 **§ 6254.9. Software developed by agency**

36 6254.9. (a) Computer software developed by a state or local agency is not itself
37 a public record under this chapter. The agency may sell, lease, or license the
38 software for commercial or noncommercial use.

39 (b) As used in this section, "computer software" includes computer mapping
40 systems, computer programs, and computer graphics systems.

1 (c) This section shall not be construed to create an implied warranty on the part
2 of the State of California or any local agency for errors, omissions, or other defects
3 in any computer software as provided pursuant to this section.

4 (d) Nothing in this section is intended to affect the public record status of
5 information merely because it is stored in a computer. Public records stored in a
6 computer shall be disclosed as required by this chapter.

7 (e) Nothing in this section is intended to limit any copyright protections.

8 **§ 6254.10. Archaeological site information**

9 6254.10. Nothing in this chapter requires disclosure of records that relate to
10 archaeological site information and reports maintained by, or in the possession of,
11 the Department of Parks and Recreation, the State Historical Resources
12 Commission, the State Lands Commission, the Native American Heritage
13 Commission, another state agency, or a local agency, including the records that the
14 agency obtains through a consultation process between a California Native
15 American tribe and a state or local agency.

16 **§ 6254.11. Specified information acquired by air pollution control officer**

17 6254.11. Nothing in this chapter requires the disclosure of records that relate to
18 volatile organic compounds or chemical substances information received or
19 compiled by an air pollution control officer pursuant to Section 42303.2 of the
20 Health and Safety Code.

21 **§ 6254.12. Disciplinary records made available to Department of Business Oversight**
22 **through computer system**

23 6254.12. Any information reported to the North American Securities
24 Administrators Association/Financial Industry Regulatory Authority and compiled
25 as disciplinary records which are made available to the Department of Business
26 Oversight through a computer system, shall constitute a public record.
27 Notwithstanding any other provision of law, the Department of Business
28 Oversight may disclose that information and the current license status and the year
29 of issuance of the license of a broker-dealer upon written or oral request pursuant
30 to Section 25247 of the Corporations Code.

31 **§ 6254.13. Disclosure of Department of Education examination questions to legislative or**
32 **executive branch**

33 6254.13. Notwithstanding Section 6254, upon the request of any Member of the
34 Legislature or upon request of the Governor or his or her designee, test questions
35 or materials that would be used to administer an examination and are provided by
36 the State Department of Education and administered as part of a statewide testing
37 program of pupils enrolled in the public schools shall be disclosed to the requester.
38 These questions or materials may not include an individual examination that has
39 been administered to a pupil and scored. The requester may not take physical

1 possession of the questions or materials, but may view the questions or materials
2 at a location selected by the department. Upon viewing this information, the
3 requester shall keep the materials that he or she has seen confidential.

4 **§ 6254.14. Information relating to contracts for health care services**

5 6254.14. (a)(1) Except as provided in Sections 6254 and 6254.7, nothing in this
6 chapter shall be construed to require disclosure of records of the Department of
7 Corrections and Rehabilitation that relate to health care services contract
8 negotiations, and that reveal the deliberative processes, discussions,
9 communications, or any other portion of the negotiations, including, but not
10 limited to, records related to those negotiations such as meeting minutes, research,
11 work product, theories, or strategy of the department, or its staff, or members of
12 the California Medical Assistance Commission, or its staff, who act in
13 consultation with, or on behalf of, the department.

14 (2) Except for the portion of a contract that contains the rates of payment,
15 contracts for health services entered into by the Department of Corrections and
16 Rehabilitation or the California Medical Assistance Commission on or after July 1,
17 1993, shall be open to inspection one year after they are fully executed. In the
18 event that a contract for health services that is entered into prior to July 1, 1993, is
19 amended on or after July 1, 1993, the amendment, except for any portion
20 containing rates of payment, shall be open to inspection one year after it is fully
21 executed.

22 (3) Three years after a contract or amendment is open to inspection under this
23 subdivision, the portion of the contract or amendment containing the rates of
24 payment shall be open to inspection.

25 (4) Notwithstanding any other provision of law, including, but not limited to,
26 Section 1060 of the Evidence Code, the entire contract or amendment shall be
27 open to inspection by the Joint Legislative Audit Committee, the California State
28 Auditor's Office, and the Legislative Analyst's Office. The Joint Legislative Audit
29 Committee, the California State Auditor's Office, and the Legislative Analyst's
30 Office shall maintain the confidentiality of the contracts and amendments until the
31 contract or amendment is fully open to inspection by the public.

32 (5) It is the intent of the Legislature that confidentiality of health care provider
33 contracts, and of the contracting process as provided in this subdivision, is
34 intended to protect the competitive nature of the negotiation process, and shall not
35 affect public access to other information relating to the delivery of health care
36 services.

37 (b) The inspection authority and confidentiality requirements established in
38 subdivisions (q), (v), and (y) of Section 6254 for the Legislative Audit Committee
39 shall also apply to the California State Auditor's Office and the Legislative
40 Analyst's Office.

1 **§ 6254.15. Records relating to siting of private company**

2 6254.15. Nothing in this chapter shall be construed to require the disclosure of
3 records that are any of the following: corporate financial records, corporate
4 proprietary information including trade secrets, and information relating to siting
5 within the state furnished to a government agency by a private company for the
6 purpose of permitting the agency to work with the company in retaining, locating,
7 or expanding a facility within California. Except as provided below, incentives
8 offered by state or local government agencies, if any, shall be disclosed upon
9 communication to the agency or the public of a decision to stay, locate, relocate,
10 or expand, by a company, or upon application by that company to a governmental
11 agency for a general plan amendment, rezone, use permit, building permit, or any
12 other permit, whichever occurs first.

13 The agency shall delete, prior to disclosure to the public, information that is
14 exempt pursuant to this section from any record describing state or local incentives
15 offered by an agency to a private business to retain, locate, relocate, or expand the
16 business within California.

17 **§ 6254.16. Personal information of local agency utility customers**

18 6254.16. Nothing in this chapter shall be construed to require the disclosure of
19 the name, credit history, utility usage data, home address, or telephone number of
20 utility customers of local agencies, except that disclosure of name, utility usage
21 data, and the home address of utility customers of local agencies shall be made
22 available upon request as follows:

23 (a) To an agent or authorized family member of the person to whom the
24 information pertains.

25 (b) To an officer or employee of another governmental agency when necessary
26 for the performance of its official duties.

27 (c) Upon court order or the request of a law enforcement agency relative to an
28 ongoing investigation.

29 (d) Upon determination by the local agency that the utility customer who is the
30 subject of the request has used utility services in a manner inconsistent with
31 applicable local utility usage policies.

32 (e) Upon determination by the local agency that the utility customer who is the
33 subject of the request is an elected or appointed official with authority to
34 determine the utility usage policies of the local agency, provided that the home
35 address of an appointed official shall not be disclosed without his or her consent.

36 (f) Upon determination by the local agency that the public interest in disclosure
37 of the information clearly outweighs the public interest in nondisclosure.

38 **§ 6254.17. Records of California Victim Compensation Board relating to requests for**
39 **assistance**

40 6254.17. (a) Nothing in this chapter shall be construed to require disclosure of
41 records of the California Victim Compensation Board that relate to a request for

1 assistance under Article 1 (commencing with Section 13950) of Chapter 5 of Part
2 4 of Division 3 of Title 2.

3 (b) This section shall not apply to a disclosure of the following information, if
4 no information is disclosed that connects the information to a specific victim,
5 derivative victim, or applicant under Article 1 (commencing with Section 13950)
6 of Chapter 5 of Part 4 of Division 3 of Title 2:

7 (1) The amount of money paid to a specific provider of services.

8 (2) Summary data concerning the types of crimes for which assistance is
9 provided.

10 **§ 6254.18. Personal information in record relating to reproductive health services facility**

11 6254.18. (a) Nothing in this chapter shall be construed to require disclosure of
12 any personal information received, collected, or compiled by a public agency
13 regarding the employees, volunteers, board members, owners, partners, officers, or
14 contractors of a reproductive health services facility who have notified the public
15 agency pursuant to subdivision (d) if the personal information is contained in a
16 document that relates to the facility.

17 (b) For purposes of this section, the following terms have the following
18 meanings:

19 (1) “Contractor” means an individual or entity that contracts with a reproductive
20 health services facility for services related to patient care.

21 (2) “Personal information” means the following information related to an
22 individual that is maintained by a public agency: social security number, physical
23 description, home address, home telephone number, statements of personal worth
24 or personal financial data filed pursuant to subdivision (n) of Section 6254,
25 personal medical history, employment history, electronic mail address, and
26 information that reveals any electronic network location or identity.

27 (3) “Public agency” means all of the following:

28 (A) The State Department of Health Care Services.

29 (B) The Department of Consumer Affairs.

30 (C) The Department of Managed Health Care.

31 (D) The State Department of Public Health.

32 (4) “Reproductive health services facility” means the office of a licensed
33 physician and surgeon whose specialty is family practice, obstetrics, or
34 gynecology, or a licensed clinic, where at least 50 percent of the patients of the
35 physician or the clinic are provided with family planning or abortion services.

36 (c) Any person may institute proceedings for injunctive or declarative relief or
37 writ of mandate in any court of competent jurisdiction to obtain access to
38 employment history information pursuant to Sections 6258 and 6259. If the court
39 finds, based on the facts of a particular case, that the public interest served by
40 disclosure of employment history information clearly outweighs the public interest
41 served by not disclosing the information, the court shall order the officer or person
42 charged with withholding the information to disclose employment history

1 information or show cause why he or she should not do so pursuant to Section
2 6259.

3 (d) In order for this section to apply to an individual who is an employee,
4 volunteer, board member, officer, or contractor of a reproductive health services
5 facility, the individual shall notify the public agency to which his or her personal
6 information is being submitted or has been submitted that he or she falls within the
7 application of this section. The reproductive health services facility shall retain a
8 copy of all notifications submitted pursuant to this section. This notification shall
9 be valid if it complies with all of the following:

10 (1) Is on the official letterhead of the facility.

11 (2) Is clearly separate from any other language present on the same page and is
12 executed by a signature that serves no other purpose than to execute the
13 notification.

14 (3) Is signed and dated by both of the following:

15 (A) The individual whose information is being submitted.

16 (B) The executive officer or his or her designee of the reproductive health
17 services facility.

18 (e) The privacy protections for personal information authorized pursuant to this
19 section shall be effective from the time of notification pursuant to subdivision (d)
20 until either one of the following occurs:

21 (1) Six months after the date of separation from a reproductive health services
22 facility for an individual who has served for not more than one year as an
23 employee, contractor, volunteer, board member, or officer of the reproductive
24 health services facility.

25 (2) One year after the date of separation from a reproductive health services
26 facility for an individual who has served for more than one year as an employee,
27 contractor, volunteer, board member, or officer of the reproductive health services
28 facility.

29 (f) Within 90 days of separation of an employee, contractor, volunteer, board
30 member, or officer of the reproductive health services facility who has provided
31 notice to a public agency pursuant to subdivision (c), the facility shall provide
32 notice of the separation to the relevant agency or agencies.

33 (g) Nothing in this section shall prevent the disclosure by a government agency
34 of data regarding age, race, ethnicity, national origin, or gender of individuals
35 whose personal information is protected pursuant to this section, so long as the
36 data contains no individually identifiable information.

37 **§ 6254.19. Information security record**

38 6254.19. Nothing in this chapter shall be construed to require the disclosure of
39 an information security record of a public agency, if, on the facts of the particular
40 case, disclosure of that record would reveal vulnerabilities to, or otherwise
41 increase the potential for an attack on, an information technology system of a
42 public agency. Nothing in this section shall be construed to limit public disclosure

1 of records stored within an information technology system of a public agency that
2 are not otherwise exempt from disclosure pursuant to this chapter or any other
3 provision of law.

4 **§ 6254.20. Personal information electronically collected by state agency**

5 6254.20. Nothing in this chapter shall be construed to require the disclosure of
6 records that relate to electronically collected personal information, as defined by
7 Section 11015.5, received, collected, or compiled by a state agency.

8 **§ 6254.21. Online posting or sale of personal information of elected or appointed official**

9 6254.21. (a) No state or local agency shall post the home address or telephone
10 number of any elected or appointed official on the Internet without first obtaining
11 the written permission of that individual.

12 (b) No person shall knowingly post the home address or telephone number of
13 any elected or appointed official, or of the official's residing spouse or child, on
14 the Internet knowing that person is an elected or appointed official and intending
15 to cause imminent great bodily harm that is likely to occur or threatening to cause
16 imminent great bodily harm to that individual. A violation of this subdivision is a
17 misdemeanor. A violation of this subdivision that leads to the bodily injury of the
18 official, or his or her residing spouse or child, is a misdemeanor or a felony.

19 (c)(1)(A) No person, business, or association shall publicly post or publicly
20 display on the Internet the home address or telephone number of any elected or
21 appointed official if that official has, either directly or through an agent designated
22 under paragraph (3), made a written demand of that person, business, or
23 association to not disclose his or her home address or telephone number.

24 (B) A written demand made under this paragraph by a state constitutional
25 officer, a mayor, or a Member of the Legislature, a city council, or a board of
26 supervisors shall include a statement describing a threat or fear for the safety of
27 that official or of any person residing at the official's home address.

28 (C) A written demand made under this paragraph by an elected official shall be
29 effective for four years, regardless of whether or not the official's term has expired
30 prior to the end of the four-year period.

31 (D)(i) A person, business, or association that receives the written demand of an
32 elected or appointed official pursuant to this paragraph shall remove the official's
33 home address or telephone number from public display on the Internet, including
34 information provided to cellular telephone applications, within 48 hours of
35 delivery of the written demand, and shall continue to ensure that this information
36 is not reposted on the same Internet Web site, subsidiary site, or any other Internet
37 Web site maintained by the recipient of the written demand.

38 (ii) After receiving the elected or appointed official's written demand, the
39 person, business, or association shall not transfer the appointed or elected
40 official's home address or telephone number to any other person, business, or
41 association through any other medium.

1 (iii) Clause (ii) shall not be deemed to prohibit a telephone corporation, as
2 defined in Section 234 of the Public Utilities Code, or its affiliate, from
3 transferring the elected or appointed official's home address or telephone number
4 to any person, business, or association, if the transfer is authorized by federal or
5 state law, regulation, order, or tariff, or necessary in the event of an emergency, or
6 to collect a debt owed by the elected or appointed official to the telephone
7 corporation or its affiliate.

8 (E) For purposes of this paragraph, "publicly post" or "publicly display" means
9 to intentionally communicate or otherwise make available to the general public.

10 (2) An official whose home address or telephone number is made public as a
11 result of a violation of paragraph (1) may bring an action seeking injunctive or
12 declarative relief in any court of competent jurisdiction. If a court finds that a
13 violation has occurred, it may grant injunctive or declarative relief and shall award
14 the official court costs and reasonable attorney's fees. A fine not exceeding one
15 thousand dollars (\$1,000) may be imposed for a violation of the court's order for
16 an injunction or declarative relief obtained pursuant to this paragraph.

17 (3) An elected or appointed official may designate in writing the official's
18 employer, a related governmental entity, or any voluntary professional association
19 of similar officials to act, on behalf of that official, as that official's agent with
20 regard to making a written demand pursuant to this section. In the case of an
21 appointed official who is a peace officer, as defined in Sections 830 to 830.65,
22 inclusive, of the Penal Code, a District Attorney, or a Deputy District Attorney,
23 that official may also designate his or her recognized collective bargaining
24 representative to make a written demand on his or her behalf pursuant to this
25 section. A written demand made by an agent pursuant to this paragraph shall
26 include a statement describing a threat or fear for the safety of that official or of
27 any person residing at the official's home address.

28 (d)(1) No person, business, or association shall solicit, sell, or trade on the
29 Internet the home address or telephone number of an elected or appointed official
30 with the intent to cause imminent great bodily harm to the official or to any person
31 residing at the official's home address.

32 (2) Notwithstanding any other law, an official whose home address or telephone
33 number is solicited, sold, or traded in violation of paragraph (1) may bring an
34 action in any court of competent jurisdiction. If a jury or court finds that a
35 violation has occurred, it shall award damages to that official in an amount up to a
36 maximum of three times the actual damages but in no case less than four thousand
37 dollars (\$4,000).

38 (e) An interactive computer service or access software provider, as defined in
39 Section 230(f) of Title 47 of the United States Code, shall not be liable under this
40 section unless the service or provider intends to abet or cause imminent great
41 bodily harm that is likely to occur or threatens to cause imminent great bodily
42 harm to an elected or appointed official.

1 (f) For purposes of this section, “elected or appointed official” includes, but is
2 not limited to, all of the following:

- 3 (1) State constitutional officers.
- 4 (2) Members of the Legislature.
- 5 (3) Judges and court commissioners.
- 6 (4) District attorneys.
- 7 (5) Public defenders.
- 8 (6) Members of a city council.
- 9 (7) Members of a board of supervisors.
- 10 (8) Appointees of the Governor.
- 11 (9) Appointees of the Legislature.
- 12 (10) Mayors.
- 13 (11) City attorneys.
- 14 (12) Police chiefs and sheriffs.
- 15 (13) A public safety official, as defined in Section 6254.24.
- 16 (14) State administrative law judges.
- 17 (15) Federal judges and federal defenders.
- 18 (16) Members of the United States Congress and appointees of the President.

19 (g) Nothing in this section is intended to preclude punishment instead under
20 Sections 69, 76, or 422 of the Penal Code, or any other provision of law.

21 **§ 6254.22. Specified health plan records**

22 6254.22. Nothing in this chapter or any other provision of law shall require the
23 disclosure of records of a health plan that is licensed pursuant to the Knox-Keene
24 Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section
25 1340) of Division 2 of the Health and Safety Code) and that is governed by a
26 county board of supervisors, whether paper records, records maintained in the
27 management information system, or records in any other form, that relate to
28 provider rate or payment determinations, allocation or distribution methodologies
29 for provider payments, formulae or calculations for these payments, and contract
30 negotiations with providers of health care for alternative rates for a period of three
31 years after the contract is fully executed. The transmission of the records, or the
32 information contained therein in an alternative form, to the board of supervisors
33 shall not constitute a waiver of exemption from disclosure, and the records and
34 information once transmitted to the board of supervisors shall be subject to this
35 same exemption. The provisions of this section shall not prevent access to any
36 records by the Joint Legislative Audit Committee in the exercise of its powers
37 pursuant to Article 1 (commencing with Section 10500) of Chapter 4 of Part 2 of
38 Division 2 of Title 2. The provisions of this section also shall not prevent access to
39 any records by the Department of Managed Health Care in the exercise of its
40 powers pursuant to Article 1 (commencing with Section 1340) of Chapter 2.2 of
41 Division 2 of the Health and Safety Code.

1 **§ 6254.23. Risk assessment or infrastructure protection program**

2 6254.23. Nothing in this chapter or any other provision of law shall require the
3 disclosure of a risk assessment or railroad infrastructure protection program filed
4 with the Public Utilities Commission, the Director of Homeland Security, and the
5 Office of Emergency Services pursuant to Article 7.3 (commencing with Section
6 7665) of Chapter 1 of Division 4 of the Public Utilities Code.

7 **§ 6254.24. “Public safety official”**

8 6254.24. As used in this chapter, “public safety official” means the following
9 parties, whether active or retired:

10 (a) A peace officer as defined in Sections 830 to 830.65, inclusive, of the Penal
11 Code, or a person who is not a peace officer, but may exercise the powers of arrest
12 during the course and within the scope of their employment pursuant to Section
13 830.7 of the Penal Code.

14 (b) A public officer or other person listed in Sections 1808.2 and 1808.6 of the
15 Vehicle Code.

16 (c) An “elected or appointed official” as defined in subdivision (f) of Section
17 6254.21.

18 (d) An attorney employed by the Department of Justice, the State Public
19 Defender, or a county office of the district attorney or public defender, the United
20 States Attorney, or the Federal Public Defender.

21 (e) A city attorney and an attorney who represent cities in criminal matters.

22 (f) An employee of the Department of Corrections and Rehabilitation who
23 supervises inmates or is required to have a prisoner in his or her care or custody.

24 (g) A sworn or nonsworn employee who supervises inmates in a city police
25 department, a county sheriff’s office, the Department of the California Highway
26 Patrol, federal, state, or a local detention facility, and a local juvenile hall, camp,
27 ranch, or home, and a probation officer as defined in Section 830.5 of the Penal
28 Code.

29 (h) A federal prosecutor, a federal criminal investigator, and a National Park
30 Service Ranger working in California.

31 (i) The surviving spouse or child of a peace officer defined in Section 830 of the
32 Penal Code, if the peace officer died in the line of duty.

33 (j) State and federal judges and court commissioners.

34 (k) An employee of the Attorney General, a district attorney, or a public
35 defender who submits verification from the Attorney General, district attorney, or
36 public defender that the employee represents the Attorney General, district
37 attorney, or public defender in matters that routinely place that employee in
38 personal contact with persons under investigation for, charged with, or convicted
39 of, committing criminal acts.

40 (l) A nonsworn employee of the Department of Justice or a police department or
41 sheriff’s office that, in the course of his or her employment, is responsible for
42 collecting, documenting, and preserving physical evidence at crime scenes,

1 testifying in court as an expert witness, and other technical duties, and a nonsworn
2 employee that, in the course of his or her employment, performs a variety of
3 standardized and advanced laboratory procedures in the examination of physical
4 crime evidence, determines their results, and provides expert testimony in court.

5 **§ 6254.25. Litigation memoranda**

6 6254.25. Nothing in this chapter or any other provision of law shall require the
7 disclosure of a memorandum submitted to a state body or to the legislative body of
8 a local agency by its legal counsel pursuant to subdivision (q) of Section 11126 or
9 Section 54956.9 until the pending litigation has been finally adjudicated or
10 otherwise settled. The memorandum shall be protected by the attorney work-
11 product privilege until the pending litigation has been finally adjudicated or
12 otherwise settled.

13 **§ 6254.26. Records relating to alternative investments of public investment funds**

14 6254.26. (a) Notwithstanding any provision of this chapter or other law, the
15 following records regarding alternative investments in which public investment
16 funds invest shall not be subject to disclosure pursuant to this chapter, unless the
17 information has already been publicly released by the keeper of the information:

18 (1) Due diligence materials that are proprietary to the public investment fund or
19 the alternative investment vehicle.

20 (2) Quarterly and annual financial statements of alternative investment vehicles.

21 (3) Meeting materials of alternative investment vehicles.

22 (4) Records containing information regarding the portfolio positions in which
23 alternative investment funds invest.

24 (5) Capital call and distribution notices.

25 (6) Alternative investment agreements and all related documents.

26 (b) Notwithstanding subdivision (a), the following information contained in
27 records described in subdivision (a) regarding alternative investments in which
28 public investment funds invest shall be subject to disclosure pursuant to this
29 chapter and shall not be considered a trade secret exempt from disclosure:

30 (1) The name, address, and vintage year of each alternative investment vehicle.

31 (2) The dollar amount of the commitment made to each alternative investment
32 vehicle by the public investment fund since inception.

33 (3) The dollar amount of cash contributions made by the public investment fund
34 to each alternative investment vehicle since inception.

35 (4) The dollar amount, on a fiscal yearend basis, of cash distributions received
36 by the public investment fund from each alternative investment vehicle.

37 (5) The dollar amount, on a fiscal yearend basis, of cash distributions received
38 by the public investment fund plus remaining value of partnership assets
39 attributable to the public investment fund's investment in each alternative
40 investment vehicle.

1 (6) The net internal rate of return of each alternative investment vehicle since
2 inception.

3 (7) The investment multiple of each alternative investment vehicle since
4 inception.

5 (8) The dollar amount of the total management fees and costs paid on an annual
6 fiscal yearend basis, by the public investment fund to each alternative investment
7 vehicle.

8 (9) The dollar amount of cash profit received by public investment funds from
9 each alternative investment vehicle on a fiscal year-end basis.

10 (c) For purposes of this section, the following definitions shall apply:

11 (1) "Alternative investment" means an investment in a private equity fund,
12 venture fund, hedge fund, or absolute return fund.

13 (2) "Alternative investment vehicle" means the limited partnership, limited
14 liability company, or similar legal structure through which the public investment
15 fund invests in portfolio companies.

16 (3) "Portfolio positions" means individual portfolio investments made by the
17 alternative investment vehicles.

18 (4) "Public investment fund" means any public pension or retirement system,
19 and any public endowment or foundation.

20 **§ 6254.27. SSN truncation program**

21 6254.27. Nothing in this chapter shall be construed to require the disclosure by a
22 county recorder of any "official record" if a "public record" version of that record
23 is available pursuant to Article 3.5 (commencing with Section 27300) of Chapter 6
24 of Part 3 of Division 2 of Title 3.

25 **§ 6254.28. Truncation of SSN with regard to secured transaction**

26 6254.28. Nothing in this chapter shall be construed to require the disclosure by a
27 filing office of any "official record" if a "public record" version of that record is
28 available pursuant to Section 9526.5 of the Commercial Code.

29 **§ 6254.29. Redaction of SSN by local agency**

30 6254.29. (a) It is the intent of the Legislature that, in order to protect against the
31 risk of identity theft, local agencies shall redact social security numbers from
32 records before disclosing them to the public pursuant to this chapter.

33 (b) Nothing in this chapter shall be construed to require a local agency to
34 disclose a social security number.

35 (c) This section shall not apply to records maintained by a county recorder.

36 **§ 6254.30. Demand by law enforcement agency for information from victim as prerequisite
37 to record access**

38 6254.30. A state or local law enforcement agency shall not require a victim of an
39 incident, or an authorized representative thereof, to show proof of the victim's

1 legal presence in the United States in order to obtain the information required to be
2 disclosed by that law enforcement agency pursuant to subdivision (f) of Section
3 6254. However, if, for identification purposes, a state or local law enforcement
4 agency requires identification in order for a victim of an incident, or an authorized
5 representative thereof, to obtain that information, the agency shall, at a minimum,
6 accept a current driver's license or identification card issued by any state in the
7 United States, a current passport issued by the United States or a foreign
8 government with which the United States has a diplomatic relationship, or a
9 current Matricula Consular card.

10 **§ 6254.33. Unique vendor, contractor, or affiliate identifying information**

11 6254.33. Nothing in this chapter shall require the disclosure of an identification
12 number, alphanumeric character, or other unique identifying code that a public
13 agency uses to identify a vendor or contractor, or an affiliate of a vendor or
14 contractor, unless the identification number, alphanumeric character, or other
15 unique identifying code is used in a public bidding or an audit involving the public
16 agency.

17 **§ 6255. Required justification and procedure for withholding of record**

18 6255. (a) The agency shall justify withholding any record by demonstrating that
19 the record in question is exempt under express provisions of this chapter or that on
20 the facts of the particular case the public interest served by not disclosing the
21 record clearly outweighs the public interest served by disclosure of the record.

22 (b) A response to a written request for inspection or copies of public records that
23 includes a determination that the request is denied, in whole or in part, shall be in
24 writing.

25 **§ 6257.5. Prohibition on limitation of access based on purpose of request**

26 6257.5. This chapter does not allow limitations on access to a public record
27 based upon the purpose for which the record is being requested, if the record is
28 otherwise subject to disclosure.

29 **§ 6258. Judicial proceeding for enforcement of right to inspect or receive record**

30 6258. Any person may institute proceedings for injunctive or declarative relief
31 or writ of mandate in any court of competent jurisdiction to enforce his or her right
32 to inspect or to receive a copy of any public record or class of public records under
33 this chapter. The times for responsive pleadings and for hearings in these
34 proceedings shall be set by the judge of the court with the object of securing a
35 decision as to these matters at the earliest possible time.

36 **§ 6259. Procedure for petition alleging improper withholding of public record**

37 6259. (a) Whenever it is made to appear by verified petition to the superior court
38 of the county where the records or some part thereof are situated that certain

1 public records are being improperly withheld from a member of the public, the
2 court shall order the officer or person charged with withholding the records to
3 disclose the public record or show cause why he or she should not do so. The court
4 shall decide the case after examining the record in camera, if permitted by
5 subdivision (b) of Section 915 of the Evidence Code, papers filed by the parties
6 and any oral argument and additional evidence as the court may allow.

7 (b) If the court finds that the public official's decision to refuse disclosure is not
8 justified under Section 6254 or 6255, he or she shall order the public official to
9 make the record public. If the judge determines that the public official was
10 justified in refusing to make the record public, he or she shall return the item to the
11 public official without disclosing its content with an order supporting the decision
12 refusing disclosure.

13 (c) In an action filed on or after January 1, 1991, an order of the court, either
14 directing disclosure by a public official or supporting the decision of the public
15 official refusing disclosure, is not a final judgment or order within the meaning of
16 Section 904.1 of the Code of Civil Procedure from which an appeal may be taken,
17 but shall be immediately reviewable by petition to the appellate court for the
18 issuance of an extraordinary writ. Upon entry of any order pursuant to this section,
19 a party shall, in order to obtain review of the order, file a petition within 20 days
20 after service upon him or her of a written notice of entry of the order, or within
21 such further time not exceeding an additional 20 days as the trial court may for
22 good cause allow. If the notice is served by mail, the period within which to file
23 the petition shall be increased by five days. A stay of an order or judgment shall
24 not be granted unless the petitioning party demonstrates it will otherwise sustain
25 irreparable damage and probable success on the merits. Any person who fails to
26 obey the order of the court shall be cited to show cause why he or she is not in
27 contempt of court.

28 (d) The court shall award court costs and reasonable attorney fees to the plaintiff
29 should the plaintiff prevail in litigation filed pursuant to this section. The costs and
30 fees shall be paid by the public agency of which the public official is a member or
31 employee and shall not become a personal liability of the public official. If the
32 court finds that the plaintiff's case is clearly frivolous, it shall award court costs
33 and reasonable attorney fees to the public agency.

34 **§ 6260. Effect of chapter**

35 6260. The provisions of this chapter shall not be deemed in any manner to affect
36 the status of judicial records as it existed immediately prior to the effective date of
37 this section, nor to affect the rights of litigants, including parties to administrative
38 proceedings, under the laws of discovery of this state, nor to limit or impair any
39 rights of discovery in a criminal case.

1 **§ 6261. Itemized statement of total expenditures and disbursement**

2 6261. Notwithstanding Section 6252, an itemized statement of the total
3 expenditures and disbursement of any agency provided for in Article VI of the
4 California Constitution shall be open for inspection.

5 **§ 6262. Disclosure of licensing records to district attorney**

6 6262. The exemption of records of complaints to, or investigations conducted
7 by, any state or local agency for licensing purposes under subdivision (f) of
8 Section 6254 shall not apply when a request for inspection of such records is made
9 by a district attorney.

10 **§ 6263. Inspection or copying of record by district attorney**

11 6263. A state or local agency shall allow an inspection or copying of any public
12 record or class of public records not exempted by this chapter when requested by a
13 district attorney.

14 **§ 6264. Judicial action by district attorney**

15 6264. The district attorney may petition a court of competent jurisdiction to
16 require a state or local agency to allow him to inspect or receive a copy of any
17 public record or class of public records not exempted by this chapter when the
18 agency fails or refuses to allow inspection or copying within 10 working days of a
19 request. The court may require a public agency to permit inspection or copying by
20 the district attorney unless the public interest or good cause in withholding such
21 records clearly outweighs the public interest in disclosure.

22 **§ 6265. Effect of disclosure to district attorney**

23 6265. Disclosure of records to a district attorney under the provisions of this
24 chapter shall effect no change in the status of the records under any other
25 provision of law.

26 **§ 6267. Patron use records of publicly-supported library**

27 6267. All patron use records of any library which is in whole or in part
28 supported by public funds shall remain confidential and shall not be disclosed by a
29 public agency, or private actor that maintains or stores patron use records on
30 behalf of a public agency, to any person, local agency, or state agency except as
31 follows:

32 (a) By a person acting within the scope of his or her duties within the
33 administration of the library.

34 (b) By a person authorized, in writing, by the individual to whom the records
35 pertain, to inspect the records.

36 (c) By order of the appropriate superior court.

37 As used in this section, the term “patron use records” includes the following:

1 (1) Any written or electronic record, that is used to identify the patron,
2 including, but not limited to, a patron's name, address, telephone number, or e-
3 mail address, that a library patron provides in order to become eligible to borrow
4 or use books and other materials.

5 (2) Any written record or electronic transaction that identifies a patron's
6 borrowing information or use of library information resources, including, but not
7 limited to, database search records, borrowing records, class records, and any
8 other personally identifiable uses of library resources information requests, or
9 inquiries.

10 This section shall not apply to statistical reports of patron use nor to records of
11 fines collected by the library.

12 **§ 6268. Archiving and disclosure of Governor's public records**

13 6268. Public records, as defined in Section 6252, in the custody or control of the
14 Governor when he or she leaves office, either voluntarily or involuntarily, shall, as
15 soon as is practical, be transferred to the State Archives. Notwithstanding any
16 other provision of law, the Governor, by written instrument, the terms of which
17 shall be made public, may restrict public access to any of the transferred public
18 records, or any other writings he or she may transfer, which have not already been
19 made accessible to the public. With respect to public records, public access, as
20 otherwise provided for by this chapter, shall not be restricted for a period greater
21 than 50 years or the death of the Governor, whichever is later, nor shall there be
22 any restriction whatsoever with respect to enrolled bill files, press releases, speech
23 files, or writings relating to applications for clemency or extradition in cases
24 which have been closed for a period of at least 25 years. Subject to any restrictions
25 permitted by this section, the Secretary of State, as custodian of the State
26 Archives, shall make all such public records and other writings available to the
27 public as otherwise provided for in this chapter.

28 Except as to enrolled bill files, press releases, speech files, or writings relating to
29 applications for clemency or extradition, this section shall not apply to public
30 records or other writings in the direct custody or control of any Governor who held
31 office between 1974 and 1988 at the time of leaving office, except to the extent
32 that that Governor may voluntarily transfer those records or other writings to the
33 State Archives.

34 Notwithstanding any other provision of law, the public records and other
35 writings of any Governor who held office between 1974 and 1988 may be
36 transferred to any educational or research institution in California provided that
37 with respect to public records, public access, as otherwise provided for by this
38 chapter, shall not be restricted for a period greater than 50 years or the death of the
39 Governor, whichever is later. No records or writings may be transferred pursuant
40 to this paragraph unless the institution receiving them agrees to maintain, and does
41 maintain, the materials according to commonly accepted archival standards. No
42 public records transferred shall be destroyed by that institution without first

1 receiving the written approval of the Secretary of State, as custodian of the State
2 Archives, who may require that the records be placed in the State Archives rather
3 than being destroyed. An institution receiving those records or writings shall allow
4 the Secretary of State, as custodian of the State Archives, to copy, at state expense,
5 and to make available to the public, any and all public records, and inventories,
6 indices, or finding aids relating to those records, which the institution makes
7 available to the public generally. Copies of those records in the custody of the
8 State Archives shall be given the same legal effect as is given to the originals.

9 **§ 6268.5. Appraisal and management of records by Secretary of State**

10 6268.5. The Secretary of State may appraise and manage new or existing records
11 that are subject to Section 6268 to determine whether the records are appropriate
12 for preservation in the State Archives. For purposes of this section, the Secretary
13 of State shall use professional archival practices, including, but not limited to,
14 appraising the historic value of the records, arranging and describing the records,
15 rehousing the records in appropriate storage containers, or providing any
16 conservation treatment that the records require.

17 **§ 6270. Prohibition on providing record to private entity in manner that prevents agency**
18 **from directly disclosing that record**

19 6270. (a) Notwithstanding any other provision of law, no state or local agency
20 shall sell, exchange, furnish, or otherwise provide a public record subject to
21 disclosure pursuant to this chapter to a private entity in a manner that prevents a
22 state or local agency from providing the record directly pursuant to this chapter.
23 Nothing in this section requires a state or local agency to use the State Printer to
24 print public records. Nothing in this section prevents the destruction of records
25 pursuant to law.

26 (b) This section shall not apply to contracts entered into prior to January 1, 1996,
27 between the County of Santa Clara and a private entity for the provision of public
28 records subject to disclosure under this chapter.

29 **§ 6270.5. Catalog of enterprise systems**

30 6270.5. (a) In implementing this chapter, each local agency, except a local
31 educational agency, shall create a catalog of enterprise systems. The catalog shall
32 be made publicly available upon request in the office of the person or officer
33 designated by the agency's legislative body. The catalog shall be posted in a
34 prominent location on the local agency's Internet Web site, if the agency has an
35 Internet Web site. The catalog shall disclose a list of the enterprise systems
36 utilized by the agency and, for each system, shall also disclose all of the following:

- 37 (1) Current system vendor.
- 38 (2) Current system product.
- 39 (3) A brief statement of the system's purpose.
- 40 (4) A general description of categories or types of data.

- 1 (5) The department that serves as the system’s primary custodian.
- 2 (6) How frequently system data is collected.
- 3 (7) How frequently system data is updated.
- 4 (b) This section shall not be interpreted to limit a person’s right to inspect public
5 records pursuant to this chapter.
- 6 (c) For purposes of this section:
- 7 (1) “Enterprise system” means a software application or computer system that
8 collects, stores, exchanges, and analyzes information that the agency uses that is
9 both of the following:
- 10 (A) A multidepartmental system or a system that contains information collected
11 about the public.
- 12 (B) A system of record.
- 13 (2) “System of record” means a system that serves as an original source of data
14 within an agency.
- 15 (3) An enterprise system shall not include any of the following:
- 16 (A) Information technology security systems, including firewalls and other
17 cybersecurity systems.
- 18 (B) Physical access control systems, employee identification management
19 systems, video monitoring, and other physical control systems.
- 20 (C) Infrastructure and mechanical control systems, including those that control
21 or manage street lights, electrical, natural gas, or water or sewer functions.
- 22 (D) Systems related to 911 dispatch and operation or emergency services.
- 23 (E) Systems that would be restricted from disclosure pursuant to Section
24 6254.19.
- 25 (F) The specific records that the information technology system collects, stores,
26 exchanges, or analyzes.
- 27 (d) Nothing in this section shall be construed to permit public access to records
28 held by an agency to which access is otherwise restricted by statute or to alter the
29 process for requesting public records, as set forth in this chapter.
- 30 (e) If, on the facts of the particular case, the public interest served by not
31 disclosing the information described in paragraph (1) or (2) of subdivision (a)
32 clearly outweighs the public interest served by disclosure of the record, the local
33 agency may instead provide a system name, brief title, or identifier of the system.
- 34 (f) The local agency shall complete and post the catalog required by this section
35 by July 1, 2016, and thereafter shall update the catalog annually.

1 Article 2. Other Exemptions From Disclosure

2 **§ 6275. Declaration of legislative intent relating to exemptions from disclosure**

3 6275. It is the intent of the Legislature to assist members of the public and state
4 and local agencies in identifying exemptions to the California Public Records Act.
5 It is the intent of the Legislature that, after January 1, 1999, each addition or
6 amendment to a statute that exempts any information contained in a public record
7 from disclosure pursuant to subdivision (k) of Section 6254 shall be listed and
8 described in this article pursuant to a bill authorized by a standing committee of
9 the Legislature to be introduced during the first year of each session of the
10 Legislature. The statutes and constitutional provisions listed in this article may
11 operate to exempt certain records, or portions thereof, from disclosure. The
12 statutes and constitutional provisions listed and described may not be inclusive of
13 all exemptions. The listing of a statute or constitutional provision in this article
14 does not itself create an exemption. Requesters of public records and public
15 agencies are cautioned to review the applicable statute or constitutional provision
16 to determine the extent to which it, in light of the circumstances surrounding the
17 request, exempts public records from disclosure.

18 **§ 6276. List of exemptions not necessarily all-inclusive**

19 6276. Records or information not required to be disclosed pursuant to
20 subdivision (k) of Section 6254 may include, but shall not be limited to, records or
21 information identified in statutes listed in this article.

22 **§ 6276.01. Confidential crime victim information**

23 6276.01. Crime victims, confidential information or records, The Victims' Bill
24 of Rights Act of 2008: Marsy's Law, Section 28 of Article I of the California
25 Constitution.

26 **§ 6276.02. Acquired Immune Deficiency Syndrome blood test results to Advance Health
27 Care Directive Registry**

28 6276.02. Acquired Immune Deficiency Syndrome, blood test results, written
29 authorization not necessary for disclosure, Section 121010, Health and Safety
30 Code.

31 Acquired Immune Deficiency Syndrome, blood test subject, compelling identity
32 of, Section 120975, Health and Safety Code.

33 Acquired Immune Deficiency Syndrome, confidentiality of personal data of
34 patients in State Department of Public Health programs, Section 120820, Health
35 and Safety Code.

36 Acquired Immune Deficiency Syndrome, confidentiality of research records,
37 Sections 121090, 121095, 121115, and 121120, Health and Safety Code.

38 Acquired Immune Deficiency Syndrome, confidentiality of vaccine volunteers,
39 Section 121280, Health and Safety Code.

1 Acquired Immune Deficiency Syndrome, confidentiality of information obtained
2 in prevention programs at correctional facilities and law enforcement agencies,
3 Sections 7552 and 7554, Penal Code.

4 Acquired Immune Deficiency Syndrome, confidentiality of test results of person
5 convicted of prostitution, Section 1202.6, Penal Code.

6 Acquired Immune Deficiency Syndrome, disclosure of results of HIV test,
7 penalties, Section 120980, Health and Safety Code.

8 Acquired Immune Deficiency Syndrome, personal information, insurers tests,
9 confidentiality of, Section 799, Insurance Code.

10 Acquired Immune Deficiency Syndrome, public safety and testing disclosure,
11 Sections 121065 and 121070, Health and Safety Code.

12 Acquired Immune Deficiency Syndrome Research and Confidentiality Act,
13 production or discovery of records for use in criminal or civil proceedings against
14 subject prohibited, Section 121100, Health and Safety Code.

15 Acquired Immune Deficiency Syndrome Public Health Records Confidentiality
16 Act, personally identifying information confidentiality, Section 121025, Health
17 and Safety Code.

18 Acquired Immune Deficiency Syndrome, test of criminal defendant pursuant to
19 search warrant requested by victim, confidentiality of, Section 1524.1, Penal
20 Code.

21 Acquired Immune Deficiency Syndrome, test results, disclosure to patient's
22 spouse and others, Section 121015, Health and Safety Code.

23 Acquired Immune Deficiency Syndrome, test of person under Youth Authority,
24 disclosure of results, Section 1768.9, Welfare and Institutions Code.

25 Acquired Immune Deficiency Syndrome Research and Confidentiality Act,
26 financial audits or program evaluations, Section 121085, Health and Safety Code.

27 Acquired Immune Deficiency Syndrome Research and Confidentiality Act,
28 violations, Section 121100, Health and Safety Code.

29 Acquired Immune Deficiency Syndrome Research and Confidentiality Act,
30 personally identifying research records not to be disclosed, Section 121075, Health
31 and Safety Code.

32 Acquired Immune Deficiency Syndrome Research and Confidentiality Act,
33 permittee disclosure, Section 121080, Health and Safety Code.

34 Administrative procedure, adjudicatory hearings, interpreters, Section 11513.

35 Adoption records, confidentiality of, Section 102730, Health and Safety Code.

36 Advance Health Care Directive Registry, exemption from disclosure for
37 registration information provided to the Secretary of State, subdivision (ac),
38 Section 6254.

39 **§ 6276.04. Aeronautics Act reports to avocado handler transaction records**

40 6276.04. Aeronautics Act, reports of investigations and hearings, Section 21693,
41 Public Utilities Code.

1 Agricultural producers marketing, access to records, Section 59616, Food and
2 Agricultural Code.

3 Aiding disabled voters, Section 14282, Elections Code.

4 Air pollution data, confidentiality of trade secrets, Section 6254.7, and Sections
5 42303.2 and 43206, Health and Safety Code.

6 Air toxics emissions inventory plans, protection of trade secrets, Section 44346,
7 Health and Safety Code.

8 Alcohol and drug abuse records and records of communicable diseases,
9 confidentiality of, Section 123125, Health and Safety Code.

10 Alcoholic beverage licensees, confidentiality of corporate proprietary
11 information, Section 25205, Business and Professions Code.

12 Ambulatory Surgery Data Record, confidentiality of identifying information,
13 Section 128737, Health and Safety Code.

14 Apiary registration information, confidentiality of, Section 29041, Food and
15 Agricultural Code.

16 Archaeological site information and reports maintained by state and local
17 agencies, disclosure not required, Section 6254.10.

18 Arrest not resulting in conviction, disclosure or use of records, Sections 432.7
19 and 432.8, Labor Code.

20 Arsonists, registered, confidentiality of certain information, Section 457.1, Penal
21 Code.

22 Artificial insemination, donor not natural father, confidentiality of records,
23 Section 7613, Family Code.

24 Assessor's records, confidentiality of information in, Section 408, Revenue and
25 Taxation Code.

26 Assessor's records, confidentiality of information in, Section 451, Revenue and
27 Taxation Code.

28 Assessor's records, display of documents relating to business affairs or property
29 of another, Section 408.2, Revenue and Taxation Code.

30 Assigned risk plans, rejected applicants, confidentiality of information, Section
31 11624, Insurance Code.

32 Attorney applicant, investigation by State Bar, confidentiality of, Section
33 6060.2, Business and Professions Code.

34 Attorney applicant, information submitted by applicant and State Bar admission
35 records, confidentiality of, Section 6060.25, Business and Professions Code.

36 Attorney-client confidential communication, Section 6068, Business and
37 Professions Code, and Sections 952 and 954, Evidence Code.

38 Attorney, disciplinary proceedings, confidentiality prior to formal proceedings,
39 Section 6086.1, Business and Professions Code.

40 Attorney, disciplinary proceeding, State Bar access to nonpublic court records,
41 Section 6090.6, Business and Professions Code.

42 Attorney, law corporation, investigation by State Bar, confidentiality of, Section
43 6168, Business and Professions Code.

1 Attorney work product confidentiality in administrative adjudication, Section
2 11507.6.

3 Attorney, work product, confidentiality of, Section 6202, Business and
4 Professions Code.

5 Attorney work product, discovery, Chapter 4 (commencing with Section
6 2018.010) of Title 4 of Part 4 of the Code of Civil Procedure.

7 Auditor General, access to records for audit purposes, Sections 10527 and
8 10527.1.

9 Auditor General, disclosure of audit records, Section 10525.

10 Automated forward facing parking control devices, confidentiality of video
11 imaging records from the devices, Section 40240, Vehicle Code.

12 Automated traffic enforcement system, confidentiality of photographic records
13 made by the system, Section 21455.5, Vehicle Code.

14 Automobile Insurance Claims Depository, confidentiality of information,
15 Section 1876.3, Insurance Code.

16 Automobile insurance, investigation of fraudulent claims, confidential
17 information, Section 1872.8, Insurance Code.

18 Avocado handler transaction records, confidentiality of information, Section
19 44984, Food and Agricultural Code.

20 **§ 6276.06. Bank and Corporation Tax information to business and professions licensee**
21 **exemption for SSN**

22 6276.06. Bank and Corporation Tax, disclosure of information, Article 2
23 (commencing with Section 19542), Chapter 7, Part 10.2, Division 2, Revenue and
24 Taxation Code.

25 Bank employees, confidentiality of criminal history information, Sections 777.5
26 and 4990, Financial Code.

27 Bank reports, confidentiality of, Section 289, Financial Code.

28 Basic Property Insurance Inspection and Placement Plan, confidential reports,
29 Section 10097, Insurance Code.

30 Beef Council of California, confidentiality of fee transactions information,
31 Section 64691.1, Food and Agricultural Code.

32 Bids, confidentiality of, Section 10304, Public Contract Code.

33 Birth, death, and marriage licenses, confidential information contained in,
34 Sections 102100, 102110, and 102230, Health and Safety Code.

35 Birth defects, monitoring, confidentiality of information collected, Section
36 103850, Health and Safety Code.

37 Birth, live, confidential portion of certificate, Sections 102430, 102475, 103525,
38 and 103590, Health and Safety Code.

39 Blood tests, confidentiality of hepatitis and AIDS carriers, Section 1603.1,
40 Health and Safety Code.

41 Blood-alcohol percentage test results, vehicular offenses, confidentiality of,
42 Section 1804, Vehicle Code.

1 Business and professions licensee exemption for social security number, Section
2 30, Business and Professions Code.

3 **§ 6276.08. Cable television subscriber information to California Wine Grape Commission**
4 **proprietary information from producers and vintners**

5 6276.08. Cable television subscriber information, confidentiality of, Section
6 637.5, Penal Code.

7 CalFresh, disclosure of information, Section 18909, Welfare and Institutions
8 Code.

9 California AIDS Program, personal data, confidentiality, Section 120820, Health
10 and Safety Code.

11 California Apple Commission, confidentiality of lists of persons, Section 75598,
12 Food and Agricultural Code.

13 California Apple Commission, confidentiality of proprietary information from
14 producers or handlers, Section 75633, Food and Agricultural Code.

15 California Asparagus Commission, confidentiality of lists of producers, Section
16 78262, Food and Agricultural Code.

17 California Asparagus Commission, confidentiality of proprietary information
18 from producers, Section 78288, Food and Agricultural Code.

19 California Avocado Commission, confidentiality of information from handlers,
20 Section 67094, Food and Agricultural Code.

21 California Avocado Commission, confidentiality of proprietary information
22 from handlers, Section 67104, Food and Agricultural Code.

23 California Cherry Commission, confidentiality of proprietary information from
24 producers, processors, shippers, or grower-handlers, Section 76144, Food and
25 Agricultural Code.

26 California Children's Services Program, confidentiality of factor replacement
27 therapy contracts, Section 123853, Health and Safety Code.

28 California Cut Flower Commission, confidentiality of lists of producers, Section
29 77963, Food and Agricultural Code.

30 California Cut Flower Commission, confidentiality of proprietary information
31 from producers, Section 77988, Food and Agricultural Code.

32 California Date Commission, confidentiality of proprietary information from
33 producers and grower-handlers, Section 77843, Food and Agricultural Code.

34 California Egg Commission, confidentiality of proprietary information from
35 handlers or distributors, Section 75134, Food and Agricultural Code.

36 California Forest Products Commission, confidentiality of lists of persons,
37 Section 77589, Food and Agricultural Code.

38 California Forest Products Commission, confidentiality of proprietary
39 information from producers, Section 77624, Food and Agricultural Code.

40 California Iceberg Lettuce Commission, confidentiality of information from
41 handlers, Section 66624, Food and Agricultural Code.

1 California Kiwifruit Commission, confidentiality of proprietary information
2 from producers or handlers, Section 68104, Food and Agricultural Code.

3 California Navel Orange Commission, confidentiality of proprietary information
4 from producers or handlers and lists of producers and handlers, Section 73257,
5 Food and Agricultural Code.

6 California Pepper Commission, confidentiality of lists of producers and
7 handlers, Section 77298, Food and Agricultural Code.

8 California Pepper Commission, confidentiality of proprietary information from
9 producers or handlers, Section 77334, Food and Agricultural Code.

10 California Pistachio Commission, confidentiality of proprietary information
11 from producers or processors, Section 69045, Food and Agricultural Code.

12 California Salmon Commission, confidentiality of fee transactions records,
13 Section 76901.5, Food and Agricultural Code.

14 California Salmon Commission, confidentiality of request for list of commercial
15 salmon vessel operators, Section 76950, Food and Agricultural Code.

16 California Seafood Council, confidentiality of fee transaction records, Section
17 78553, Food and Agricultural Code.

18 California Seafood Council, confidentiality of information on volume of fish
19 landed, Section 78575, Food and Agricultural Code.

20 California Sheep Commission, confidentiality of proprietary information from
21 producers or handlers and lists of producers, Section 76343, Food and Agricultural
22 Code.

23 California State University contract law, bids, questionnaires and financial
24 statements, Section 10763, Public Contract Code.

25 California State University Investigation of Reported Improper Governmental
26 Activities Act, confidentiality of investigative audits completed pursuant to the
27 act, Section 89574, Education Code.

28 California Table Grape Commission, confidentiality of information from
29 shippers, Section 65603, Food and Agricultural Code.

30 California Tomato Commission, confidentiality of lists of producers, handlers,
31 and others, Section 78679, Food and Agricultural Code.

32 California Tomato Commission, confidentiality of proprietary information,
33 Section 78704, Food and Agricultural Code.

34 California Tourism Marketing Act, confidentiality of information pertaining to
35 businesses paying the assessment under the act, Section 13995.54.

36 California Victim Compensation Board, disclosure not required of records
37 relating to assistance requests under Article 1 (commencing with Section 13950)
38 of Chapter 5 of Part 4 of Division 3 of Title 2, Section 6254.17.

39 California Walnut Commission, confidentiality of lists of producers, Section
40 77101, Food and Agricultural Code.

41 California Walnut Commission, confidentiality of proprietary information from
42 producers or handlers, Section 77154, Food and Agricultural Code.

1 California Wheat Commission, confidentiality of proprietary information from
2 handlers and lists of producers, Section 72104, Food and Agricultural Code.

3 California Wheat Commission, confidentiality of requests for assessment refund,
4 Section 72109, Food and Agricultural Code.

5 California Wine Commission, confidentiality of proprietary information from
6 producers or vintners, Section 74655, Food and Agricultural Code.

7 California Wine Grape Commission, confidentiality of proprietary information
8 from producers and vintners, Section 74955, Food and Agricultural Code.

9 **§ 6276.10. Cancer registry information to community college employee notice and reasons**
10 **for nonreemployment**

11 6276.10. Cancer registries, confidentiality of information, Section 103885,
12 Health and Safety Code.

13 Candidate for local nonpartisan elective office, confidentiality of ballot
14 statement, Section 13311, Elections Code.

15 Child abuse information, exchange by multidisciplinary personnel teams,
16 Section 830, Welfare and Institutions Code.

17 Child abuse report and those making report, confidentiality of, Sections 11167
18 and 11167.5, Penal Code.

19 Child care liability insurance, confidentiality of information, Section 1864,
20 Insurance Code.

21 Child concealer, confidentiality of address, Section 278.7, Penal Code.

22 Child custody investigation report, confidentiality of, Section 3111, Family
23 Code.

24 Child day care facility, nondisclosure of complaint, Section 1596.853, Health
25 and Safety Code.

26 Child health and disability prevention, confidentiality of health screening and
27 evaluation results, Section 124110, Health and Safety Code.

28 Child sexual abuse reports, confidentiality of reports filed in a contested
29 proceeding involving child custody or visitation rights, Section 3118, Family
30 Code.

31 Child support, confidentiality of income tax return, Section 3552, Family Code.

32 Child support, promise to pay, confidentiality of, Section 7614, Family Code.

33 Childhood lead poisoning prevention, confidentiality of blood lead findings,
34 Section 124130, Health and Safety Code.

35 Children and families commission, local, confidentiality of individually
36 identifiable information, Section 130140.1, Health and Safety Code.

37 Cigarette tax, confidential information, Section 30455, Revenue and Taxation
38 Code.

39 Civil actions, delayed disclosure for 30 days after complaint filed, Section
40 482.050, Code of Civil Procedure.

41 Closed sessions, document assessing vulnerability of state or local agency to
42 disruption by terrorist or other criminal acts, subdivision (aa), Section 6254.

1 Closed sessions, meetings of local governments, pending litigation, Section
2 54956.9.

3 Colorado River Board, confidential information and records, Section 12519,
4 Water Code.

5 Commercial fishing licensee, confidentiality of records, Section 7923, Fish and
6 Game Code.

7 Commercial fishing reports, Section 8022, Fish and Game Code.

8 Community care facilities, confidentiality of client information, Section 1557.5,
9 Health and Safety Code.

10 Community college employee, candidate examination records, confidentiality
11 of, Section 88093, Education Code.

12 Community college employee, notice and reasons for nonreemployment,
13 confidentiality, Section 87740, Education Code.

14 **§ 6276.12. Conservatee's report to customer list of telephone answering service**

15 6276.12. Conservatee, confidentiality of the conservatee's report, Section 1826,
16 Probate Code.

17 Conservatee, estate plan of, confidentiality of, Section 2586, Probate Code.

18 Conservatee with disability, confidentiality of report, Section 1827.5, Probate
19 Code.

20 Conservator, confidentiality of conservator's birthdate and driver's license
21 number, Section 1834, Probate Code.

22 Conservator, supplemental information, confidentiality of, Section 1821,
23 Probate Code.

24 Conservatorship, court review of, confidentiality of report, Section 1851,
25 Probate Code.

26 Consumer fraud investigations, access to complaints and investigations, Section
27 26509.

28 Consumption or utilization of mineral materials, disclosure of, Section 2207.1,
29 Public Resources Code.

30 Contractor, evaluations and contractor responses, confidentiality of, Section
31 10370, Public Contract Code.

32 Contractor, license applicants, evidence of financial solvency, confidentiality of,
33 Section 7067.5, Business and Professions Code.

34 Controlled Substance Law violations, confidential information, Section 818.7.

35 Controlled substance offenders, confidentiality of registration information,
36 Section 11594, Health and Safety Code.

37 Cooperative Marketing Association, confidential information disclosed to
38 conciliator, Section 54453, Food and Agricultural Code.

39 Coroner, inquests, subpoena duces tecum, Section 27491.8.

40 County aid and relief to indigents, confidentiality of investigation, supervision,
41 relief, and rehabilitation records, Section 17006, Welfare and Institutions Code.

1 County alcohol programs, confidential information and records, Section 11812,
2 Health and Safety Code.

3 County Employees' Retirement, confidential statements and records, Section
4 31532.

5 County mental health system, confidentiality of client information, Section
6 5610, Welfare and Institutions Code.

7 County social services, investigation of applicant, confidentiality, Section
8 18491, Welfare and Institutions Code.

9 County social services rendered by volunteers, confidentiality of records of
10 recipients, Section 10810, Welfare and Institutions Code.

11 County special commissions, disclosure of health care peer review and quality
12 assessment records not required, Section 14087.58, Welfare and Institutions Code.

13 County special commissions, disclosure of records relating to the commission's
14 rates of payment for publicly assisted medical care not required, Section 14087.58,
15 Welfare and Institutions Code.

16 Court files, access to, restricted for 60 days, Section 1161.2, Code of Civil
17 Procedure.

18 Court reporters, confidentiality of records and reporters, Section 68525.

19 Court-appointed special advocates, confidentiality of information acquired or
20 reviewed, Section 105, Welfare and Institutions Code.

21 Crane employers, previous business identities, confidentiality of, Section 7383,
22 Labor Code.

23 Credit unions, confidentiality of investigation and examination reports, Section
24 14257, Financial Code.

25 Credit unions, confidentiality of employee criminal history information, Section
26 14409.2, Financial Code.

27 Criminal defendant, indigent, confidentiality of request for funds for
28 investigators and experts, Section 987.9, Penal Code.

29 Criminal offender record information, access to, Sections 11076 and 13202,
30 Penal Code.

31 Crop reports, confidential, subdivision (e), Section 6254.

32 Customer list of chemical manufacturers, formulators, suppliers, distributors,
33 importers, and their agents, the quantities and dates of shipments, and the
34 proportion of a specified chemical within a mixture, confidential, Section 147.2,
35 Labor Code.

36 Customer list of employment agency, trade secret, Section 16607, Business and
37 Professions Code.

38 Customer list of telephone answering service, trade secret, Section 16606,
39 Business and Professions Code.

1 § 6276.14. Dairy Council of California ballots to driving school and driving instructor
2 licensee records

3 6276.14. Dairy Council of California, confidentiality of ballots, Section 64155,
4 Food and Agricultural Code.

5 Death, report that physician's or podiatrist's negligence or incompetence may be
6 cause, confidentiality of, Section 802.5, Business and Professions Code.

7 Dental hygienist drug and alcohol diversion program, confidentiality of records
8 pertaining to treatment, Section 1966.5, Business and Professions Code.

9 Dentist advertising and referral contract exemption, Section 650.2, Business and
10 Professions Code.

11 Dentist, alcohol or dangerous drug rehabilitation and diversion, confidentiality
12 of records, Section 1698, Business and Professions Code.

13 Department of Consumer Affairs licensee exemption for alcohol or dangerous
14 drug treatment and rehabilitation records, Section 156.1, Business and Professions
15 Code.

16 Department of Motor Vehicles, confidentiality of information provided by an
17 insurer, Section 4750.4, Vehicle Code.

18 Department of Motor Vehicles, confidentiality of the home address of specified
19 persons in the records of the Department of Motor Vehicles, Section 1808.6,
20 Vehicle Code.

21 Developmentally disabled conservatee confidentiality of reports and records,
22 Sections 416.8 and 416.18, Health and Safety Code.

23 Developmentally disabled person, access to information provided by family
24 member, Section 4727, Welfare and Institutions Code.

25 Developmentally disabled person and person with mental illness, access to and
26 release of information about, by protection and advocacy agency, Section 4903,
27 Welfare and Institutions Code.

28 Developmentally disabled person, confidentiality of patient records, state
29 agencies, Section 4553, Welfare and Institutions Code.

30 Developmentally disabled person, confidentiality of records and information,
31 Sections 4514 and 4518, Welfare and Institutions Code.

32 Diesel Fuel Tax information, disclosure prohibited, Section 60609, Revenue and
33 Taxation Code.

34 Disability compensation, confidential medical records, Section 2714,
35 Unemployment Insurance Code.

36 Disability insurance, access to registered information, Section 789.7, Insurance
37 Code.

38 Discrimination complaint to Division of Labor Standards Enforcement,
39 confidentiality of witnesses, Section 98.7, Labor Code.

40 Dispute resolution participants confidentiality, Section 471.5, Business and
41 Professions Code.

1 Division of Workers' Compensation, confidentiality of data obtained by the
2 administrative director and derivative works created by the division, Sections
3 3201.5, 3201.7, and 3201.9, Labor Code.

4 Division of Workers' Compensation, individually identifiable information and
5 residence addresses obtained or maintained by the division on workers'
6 compensation claims, confidentiality of, Section 138.7, Labor Code.

7 Division of Workers' Compensation, individually identifiable information of
8 health care organization patients, confidentiality of, Section 4600.5, Labor Code.

9 Division of Workers' Compensation, individual workers' compensation claim
10 files and auditor's working papers, confidentiality of, Section 129, Labor Code.

11 Division of Workers' Compensation, peer review proceedings and employee
12 medical records, confidentiality of, Section 4600.6, Labor Code.

13 Domestic violence counselor and victim, confidentiality of communication,
14 Sections 1037.2 and 1037.5, Evidence Code.

15 Driver arrested for traffic violation, notice of reexamination for evidence of
16 incapacity, confidentiality of, Section 40313, Vehicle Code.

17 Driving school and driving instructor licensee records, confidentiality of,
18 Section 11108, Vehicle Code.

19 **§ 6276.16. Educational psychologist-patient privileged communication to Executive**
20 **Department records of investigations and hearings**

21 6276.16. Educational psychologist-patient, privileged communication, Section
22 1010.5, Evidence Code.

23 Electronic and appliance repair dealer, service contractor, financial data in
24 applications, subdivision (x), Section 6254.

25 Electronic Recording Delivery Act of 2004, exemption from disclosure for
26 computer security reports, Section 27394.

27 Emergency Care Data Record, exemption from disclosure for identifying
28 information, Section 128736, Health and Safety Code.

29 Emergency Medical Services Fund, patient named, Section 1797.98c, Health
30 and Safety Code.

31 Emergency medical technicians, confidentiality of disciplinary investigation
32 information, Section 1798.200, Health and Safety Code.

33 Emergency Medical Technician-Paramedic (EMT-P), exemption from
34 disclosure for records relating to personnel actions against, or resignation of, an
35 EMT-P for disciplinary cause or reason, Section 1799.112, Health and Safety
36 Code.

37 Eminent domain proceedings, use of state tax returns, Section 1263.520, Code
38 of Civil Procedure.

39 Employment agency, confidentiality of customer list, Section 16607, Business
40 and Professions Code.

41 Employment application, nondisclosure of arrest record or certain convictions,
42 Sections 432.7 and 432.8, Labor Code.

1 Employment Development Department, furnishing materials, Section 307,
2 Unemployment Insurance Code.

3 Enteral nutrition products, confidentiality of contracts by the State Department
4 of Health Care Services with manufacturers of enteral nutrition products, Section
5 14105.8, Welfare and Institutions Code.

6 Equal wage rate violation, confidentiality of complaint, Section 1197.5, Labor
7 Code.

8 Equalization, State Board of, prohibition against divulging information, Section
9 15619.

10 Escrow Agents' Fidelity Corporation, confidentiality of examination and
11 investigation reports, Section 17336, Financial Code.

12 Escrow agents' confidentiality of reports on violations, Section 17414, Financial
13 Code.

14 Escrow agents' confidentiality of state summary criminal history information,
15 Section 17414.1, Financial Code.

16 Estate tax, confidential records and information, Section 14251, Revenue and
17 Taxation Code.

18 Excessive rates or complaints, reports, Section 1857.9, Insurance Code.

19 Executive Department, closed sessions and the record of topics discussed,
20 Sections 11126 and 11126.1.

21 Executive Department, investigations and hearings, confidential nature of
22 information acquired, Section 11183.

23 **§ 6276.18. Family Court records to fur dealer licensee records**

24 6276.18. Family Court, records, Section 1818, Family Code.

25 Farm product processor license, confidentiality of financial statements, Section
26 55523.6, Food and Agricultural Code.

27 Farm product processor licensee, confidentiality of grape purchases, Section
28 55601.5, Food and Agricultural Code.

29 Fee payer information, prohibition against disclosure by Board of Equalization
30 and others, Section 55381, Revenue and Taxation Code.

31 Financial institutions, issuance of securities, reports and records of state
32 agencies, subdivision (d), Section 6254.

33 Financial statements of insurers, confidentiality of information received, Section
34 925.3, Insurance Code.

35 Financial statements and questionnaires, of prospective bidders for the state,
36 confidentiality of, Section 10165, Public Contract Code.

37 Financial statements and questionnaires, of prospective bidders for California
38 State University contracts, confidentiality of, Section 10763, Public Contract
39 Code.

40 Firearms, centralized list of exempted federal firearms licensees, disclosure of
41 information compiled from, Sections 24850 to 24890, inclusive, Penal Code.

1 Firearms, centralized list of dealers and licensees, disclosure of information
2 compiled from, Sections 26700 to 26915, inclusive, Penal Code.

3 Firearm license applications, subdivision (u), Section 6254.

4 Firearm sale or transfer, confidentiality of records, Chapter 5 (commencing with
5 Section 28050) of Division 6 of Title 4 of Part 6, Penal Code.

6 Fishing and hunting licenses, confidentiality of names and addresses contained
7 in records submitted to the Department of Fish and Game to obtain recreational
8 fishing and hunting licenses, Section 1050.6, Fish and Game Code.

9 Foreign marketing of agricultural products, confidentiality of financial
10 information, Section 58577, Food and Agricultural Code.

11 Forest fires, anonymity of informants, Section 4417, Public Resources Code.

12 Foster homes, identifying information, Section 1536, Health and Safety Code.

13 Franchise Tax Board, access to Franchise Tax Board information by the State
14 Department of Social Services, Section 11025, Welfare and Institutions Code.

15 Franchise Tax Board, auditing, confidentiality of, Section 90005.

16 Franchises, applications, and reports filed with Commissioner of Corporations,
17 disclosure and withholding from public inspection, Section 31504, Corporations
18 Code.

19 Fur dealer licensee, confidentiality of records, Section 4041, Fish and Game
20 Code.

21 **§ 6276.22. Gambling Control Act exemption to guardianship report and recommendation**

22 6276.22. Gambling Control Act, exemption from disclosure for records of the
23 California Gambling Control Commission and the Department of Justice, Sections
24 19819 and 19821, Business and Professions Code.

25 Genetically Handicapped Persons Program, confidentiality of factor replacement
26 therapy contracts, Section 125191, Health and Safety Code.

27 Governor, correspondence of and to Governor and Governor's office,
28 subdivision (l), Section 6254.

29 Governor, transfer of public records in control of, restrictions on public access,
30 Section 6268.

31 Grand jury, confidentiality of request for special counsel, Section 936.7, Penal
32 Code.

33 Grand jury, confidentiality of transcription of indictment or accusation, Section
34 938.1, Penal Code.

35 Group Insurance, public employees, Section 53202.25.

36 Guardianship, confidentiality of report regarding the suitability of the proposed
37 guardian, Section 1543, Probate Code.

38 Guardianship, disclosure of report and recommendation concerning proposed
39 guardianship of person or estate, Section 1513, Probate Code.

1 **§ 6276.24. Hazardous substance tax information to housing authority tenant application**

2 6276.24. Hazardous substance tax information, prohibition against disclosure,
3 Section 43651, Revenue and Taxation Code.

4 Hazardous waste control, business plans, public inspection, Section 25506,
5 Health and Safety Code.

6 Hazardous waste control, notice of unlawful hazardous waste disposal, Section
7 25180.5, Health and Safety Code.

8 Hazardous waste control, trade secrets, disclosure of information, Sections
9 25511 and 25538, Health and Safety Code.

10 Hazardous waste control, trade secrets, procedures for release of information,
11 Section 25358.2, Health and Safety Code.

12 Hazardous waste generator report, protection of trade secrets, Sections 25244.21
13 and 25244.23, Health and Safety Code.

14 Hazardous waste licenseholder disclosure statement, confidentiality of, Section
15 25186.5, Health and Safety Code.

16 Hazardous waste recycling, information clearing house, confidentiality of trade
17 secrets, Section 25170, Health and Safety Code.

18 Hazardous waste recycling, list of specified hazardous wastes, trade secrets,
19 Section 25175, Health and Safety Code.

20 Hazardous waste recycling, trade secrets, confidential nature, Sections 25173
21 and 25180.5, Health and Safety Code.

22 Healing arts licensees, central files, confidentiality, Section 800, Business and
23 Professions Code.

24 Health authorities, special county, confidentiality of records, Sections 14087.35,
25 14087.36, and 14087.38, Welfare and Institutions Code.

26 Health care provider disciplinary proceeding, confidentiality of documents,
27 Section 805.1, Business and Professions Code.

28 Health care service plans, review of quality of care, privileged communications,
29 Sections 1370 and 1380, Health and Safety Code.

30 Health commissions, special county, confidentiality of peer review proceedings,
31 rates of payment, and trade secrets, Section 14087.31, Welfare and Institutions
32 Code.

33 Health facilities, patient's rights of confidentiality, subdivision (c) of Section
34 128745 and Sections 128735, 128736, 128737, 128755, and 128765, Health and
35 Safety Code.

36 Health personnel, data collection by the Office of Statewide Health Planning and
37 Development, confidentiality of information on individual licentiates, Section
38 127780, Health and Safety Code.

39 Health plan governed by a county board of supervisors, exemption from
40 disclosure for records relating to provider rates or payments for a three-year period
41 after execution of the provider contract, Sections 6254.22 and 54956.87.

42 Hereditary Disorders Act, legislative finding and declaration, confidential
43 information, Sections 124975 and 124980, Health and Safety Code.

1 Hereditary Disorders Act, rules, regulations, and standards, breach of
2 confidentiality, Section 124980, Health and Safety Code.

3 HIV, disclosures to blood banks by department or county health officers,
4 Section 1603.1, Health and Safety Code.

5 Home address of public employees and officers in Department of Motor
6 Vehicles, records, confidentiality of, Sections 1808.2 and 1808.4, Vehicle Code.

7 Horse racing, horses, blood or urine test sample, confidentiality, Section 19577,
8 Business and Professions Code.

9 Hospital district and municipal hospital records relating to contracts with
10 insurers and service plans, subdivision (t), Section 6254.

11 Hospital final accreditation report, subdivision (s), Section 6254.

12 Housing authorities, confidentiality of rosters of tenants, Section 34283, Health
13 and Safety Code.

14 Housing authorities, confidentiality of applications by prospective or current
15 tenants, Section 34332, Health and Safety Code.

16 **§ 6276.26. Improper governmental activities reporter to investigative consumer report**

17 6276.26. Improper governmental activities reporting, confidentiality of identity
18 of person providing information, Section 8547.5.

19 Improper governmental activities reporting, disclosure of information, Section
20 8547.6.

21 Industrial loan companies, confidentiality of financial information, Section
22 18496, Financial Code.

23 Industrial loan companies, confidentiality of investigation and examination
24 reports, Section 18394, Financial Code.

25 Influenza vaccine, trade secret information and information relating to recipient
26 of vaccine, Section 120155, Health and Safety Code.

27 In forma pauperis litigant, rules governing confidentiality of financial
28 information, Section 68511.3.

29 Infrastructure information, exemption from disclosure for information
30 voluntarily submitted to the Office of Emergency Services, subdivision (ab),
31 Section 6254.

32 In-Home Supportive Services Program, exemption from disclosure for
33 information regarding persons paid by the state to provide in-home supportive
34 services, Section 6253.2.

35 Initiative, referendum, recall, and other petitions, confidentiality of names of
36 signers, Section 6253.5.

37 Insurance claims analysis, confidentiality of information, Section 1875.16,
38 Insurance Code.

39 Insurance Commissioner, confidential information, Sections 735.5, 1067.11,
40 1077.3, and 12919, Insurance Code.

41 Insurance Commissioner, informal conciliation of complaints, confidential
42 communications, Section 1858.02, Insurance Code.

1 Insurance Commissioner, information from examination or investigation,
2 confidentiality of, Sections 1215.7, 1433, and 1759.3, Insurance Code.

3 Insurance Commissioner, writings filed with nondisclosure, Section 855,
4 Insurance Code.

5 Insurance fraud reporting, information acquired not part of public record,
6 Section 1873.1, Insurance Code.

7 Insurance licensee, confidential information, Section 1666.5, Insurance Code.

8 Insurer application information, confidentiality of, Section 925.3, Insurance
9 Code.

10 Insurer financial analysis ratios and examination synopses, confidentiality of,
11 Section 933, Insurance Code.

12 Department of Resources Recycling and Recovery information, prohibition
13 against disclosure, Section 45982, Revenue and Taxation Code.

14 International wills, confidentiality of registration information filed with the
15 Secretary of State, Section 6389, Probate Code.

16 Intervention in regulatory and ratemaking proceedings, audit of customer
17 seeking and award, Section 1804, Public Utilities Code.

18 Investigation and security records, exemption from disclosure for records of the
19 Attorney General, the Department of Justice, the Office of Emergency Services,
20 and state and local police agencies, subdivision (f), Section 6254.

21 Investigative consumer reporting agency, limitations on furnishing an
22 investigative consumer report, Section 1786.12, Civil Code.

23 **§ 6276.28. Joint Legislative Ethics Committee records to Los Angeles County Tourism**
24 **Marketing Commission information from businesses**

25 6276.28. Joint Legislative Ethics Committee, confidentiality of reports and
26 records, Section 8953.

27 Judicial candidates, confidentiality of communications concerning, Section
28 12011.5.

29 Judicial proceedings, confidentiality of employer records of employee absences,
30 Section 230.2, Labor Code.

31 Jurors' lists, lists of registered voters and licensed drivers as source for, Section
32 197, Code of Civil Procedure.

33 Juvenile court proceedings to adjudge a person a dependent child of court,
34 sealing records of, Section 389, Welfare and Institutions Code.

35 Juvenile criminal records, dissemination to schools, Section 828.1, Welfare and
36 Institutions Code.

37 Juvenile delinquents, notification of chief of police or sheriff of escape of minor
38 from secure detention facility, Section 1155, Welfare and Institutions Code.

39 Labor dispute, investigation and mediation records, confidentiality of, Section
40 65, Labor Code.

1 Lanterman-Petris-Short Act, mental health services recipients, confidentiality of
2 information and records, mental health advocate, Sections 5540, 5541, 5542, and
3 5550, Welfare and Institutions Code.

4 Law enforcement vehicles, registration disclosure, Section 5003, Vehicle Code.

5 Legislative Counsel records, subdivision (m), Section 6254.

6 Library circulation records and other materials, subdivision (i), Section 6254 and
7 Section 6267.

8 Life and disability insurers, actuarial information, confidentiality of, Section
9 10489.15, Insurance Code.

10 Litigation, confidentiality of settlement information, Section 68513.

11 Local agency legislative body, closed sessions, disclosure of materials, Section
12 54956.9.

13 Local government employees, confidentiality of records and claims relating to
14 group insurance, Section 53202.25.

15 Local summary criminal history information, confidentiality of, Sections 13300
16 and 13305, Penal Code.

17 Local agency legislative body, closed session, nondisclosure of minute book,
18 Section 54957.2.

19 Local agency legislative body, meeting, disclosure of agenda, Section 54957.5.

20 Long-term health facilities, confidentiality of complaints against, Section 1419,
21 Health and Safety Code.

22 Long-term health facilities, confidentiality of records retained by State
23 Department of Public Health, Section 1439, Health and Safety Code.

24 Los Angeles County Tourism Marketing Commission, confidentiality of
25 information obtained from businesses to determine their assessment, Section
26 13995.108.

27 **§ 6276.30. Managed care health plan proprietary information to multijurisdictional drug**
28 **law enforcement agency closed session**

29 6276.30. Managed care health plans, confidentiality of proprietary information,
30 Section 14091.3 of the Welfare and Institutions Code.

31 Managed Risk Medical Insurance Board, negotiations with entities contracting
32 or seeking to contract with the board, subdivisions (v) and (y) of Section 6254.

33 Mandated blood testing and confidentiality to protect public health, prohibition
34 against compelling identification of test subjects, Section 120975 of the Health
35 and Safety Code.

36 Mandated blood testing and confidentiality to protect public health,
37 unauthorized disclosures of identification of test subjects, Sections 1603.1, 1603.3,
38 and 121022 of the Health and Safety Code.

39 Mandated blood testing and confidentiality to protect public health, disclosure to
40 patient's spouse, sexual partner, needle sharer, or county health officer, Section
41 121015 of the Health and Safety Code.

1 Manufactured home, mobilehome, floating home, confidentiality of home
2 address of registered owner, Section 18081 of the Health and Safety Code.

3 Marital confidential communications, Sections 980, 981, 982, 983, 984, 985,
4 986, and 987 of the Evidence Code.

5 Market reports, confidential, subdivision (e) of Section 6254.

6 Marketing of commodities, confidentiality of financial information, Section
7 58781 of the Food and Agricultural Code.

8 Marketing orders, confidentiality of processors' or distributors' information,
9 Section 59202 of the Food and Agricultural Code.

10 Marriage, confidential, certificate, Section 511 of the Family Code.

11 Medi-Cal Benefits Program, confidentiality of information, Section 14100.2 of
12 the Welfare and Institutions Code.

13 Medi-Cal Benefits Program, Request of Department for Records of Information,
14 Section 14124.89 of the Welfare and Institutions Code.

15 Medi-Cal Fraud Bureau, confidentiality of complaints, Section 12528.

16 Medi-Cal managed care program, exemption from disclosure for financial and
17 utilization data submitted by Medi-Cal managed care health plans to establish
18 rates, Section 14301.1 of the Welfare and Institutions Code.

19 Medi-Cal program, exemption from disclosure for best price contracts between
20 the State Department of Health Care Services and drug manufacturers, Section
21 14105.33 of the Welfare and Institutions Code.

22 Medical information, disclosure by provider unless prohibited by patient in
23 writing, Section 56.16 of the Civil Code.

24 Medical information, types of information not subject to patient prohibition of
25 disclosure, Section 56.30 of the Civil Code.

26 Medical and other hospital committees and peer review bodies, confidentiality
27 of records, Section 1157 of the Evidence Code.

28 Medical or dental licensee, action for revocation or suspension due to illness,
29 report, confidentiality of, Section 828 of the Business and Professions Code.

30 Medical or dental licensee, disciplinary action, denial or termination of staff
31 privileges, report, confidentiality of, Sections 805, 805.1, and 805.5 of the
32 Business and Professions Code.

33 Meetings of state agencies, disclosure of agenda, Section 11125.1.

34 Mentally abnormal sex offender committed to state hospital, confidentiality of
35 records, Section 4135 of the Welfare and Institutions Code.

36 Mentally disordered and developmentally disabled offenders, access to criminal
37 histories of, Section 1620 of the Penal Code.

38 Mentally disordered persons, court-ordered evaluation, confidentiality of
39 reports, Section 5202 of the Welfare and Institutions Code.

40 Mentally disordered or mentally ill person, confidentiality of written consent to
41 detainment, Section 5326.4 of the Welfare and Institutions Code.

1 Mentally disordered or mentally ill person, voluntarily or involuntarily detained
2 and receiving services, confidentiality of records and information, Sections 5328,
3 5328.15, 5328.2, 5328.4, 5328.8, and 5328.9 of the Welfare and Institutions Code.

4 Mentally disordered or mentally ill person, weapons restrictions, confidentiality
5 of information about, Section 8103 of the Welfare and Institutions Code.

6 Milk marketing, confidentiality of records, Section 61443 of the Food and
7 Agricultural Code.

8 Milk product certification, confidentiality of, Section 62121 of the Food and
9 Agricultural Code.

10 Milk, market milk, confidential records and reports, Section 62243 of the Food
11 and Agricultural Code.

12 Milk product registration, confidentiality of information, Section 38946 of the
13 Food and Agricultural Code.

14 Milk equalization pool plan, confidentiality of producers' voting, Section 62716
15 of the Food and Agricultural Code.

16 Mining report, confidentiality of report containing information relating to
17 mineral production, reserves, or rate of depletion of mining operation, Section
18 2207 of the Public Resources Code.

19 Minor, criminal proceeding testimony closed to public, Section 859.1 of the
20 Penal Code.

21 Minors, material depicting sexual conduct, records of suppliers to be kept and
22 made available to law enforcement, Section 1309.5 of the Labor Code.

23 Misdemeanor and felony reports by police chiefs and sheriffs to Department of
24 Justice, confidentiality of, Sections 11107 and 11107.5 of the Penal Code.

25 Monetary instrument transaction records, confidentiality of, Section 14167 of
26 the Penal Code.

27 Missing persons' information, disclosure of, Sections 14204 and 14205 of the
28 Penal Code.

29 Morbidity and mortality studies, confidentiality of records, Section 100330 of
30 the Health and Safety Code.

31 Motor vehicle accident reports, disclosure, Sections 16005, 20012, and 20014 of
32 the Vehicle Code.

33 Motor vehicles, department of, public records, exceptions, Sections 1808 to
34 1808.7, inclusive, of the Vehicle Code.

35 Motor vehicle insurance fraud reporting, confidentiality of information acquired,
36 Section 1874.3 of the Insurance Code.

37 Motor vehicle liability insurer, data reported to Department of Insurance,
38 confidentiality of, Section 11628 of the Insurance Code.

39 Multijurisdictional drug law enforcement agency, closed sessions to discuss
40 criminal investigation, Section 54957.8.

1 **§ 6276.32. Narcotic addict outpatient revocation proceeding report to osteopathic physician**
2 **and surgeon rehabilitation and diversion records**

3 6276.32. Narcotic addict outpatient revocation proceeding, confidentiality of
4 reports, Section 3152.5, Welfare and Institutions Code.

5 Narcotic and drug abuse patients, confidentiality of records, Section 11845.5,
6 Health and Safety Code.

7 Native American graves, cemeteries and sacred places, records of, subdivision
8 (r), Section 6254.

9 Notary public, confidentiality of application for appointment and commission,
10 Section 8201.5.

11 Nurse, alcohol or dangerous drug diversion and rehabilitation records,
12 confidentiality of, Section 2770.12, Business and Professions Code.

13 Obscene matter, defense of scientific or other purpose, confidentiality of
14 recipients, Section 311.8, Penal Code.

15 Occupational safety and health investigations, confidentiality of complaints and
16 complainants, Section 6309, Labor Code.

17 Occupational safety and health investigations, confidentiality of trade secrets,
18 Section 6322, Labor Code.

19 Official information acquired in confidence by public employee, disclosure of,
20 Sections 1040 and 1041, Evidence Code.

21 Oil and gas, confidentiality of proposals for the drilling of a well, Section
22 3724.4, Public Resources Code.

23 Oil and gas, disclosure of onshore and offshore exploratory well records,
24 Section 3234, Public Resources Code.

25 Oil and gas, disclosure of well records, Section 3752, Public Resources Code.

26 Oil and gas leases, surveys for permits, confidentiality of information, Section
27 6826, Public Resources Code.

28 Oil spill feepayer information, prohibition against disclosure, Section 46751,
29 Revenue and Taxation Code.

30 Older adults receiving county services, providing information between county
31 agencies, confidentiality of, Section 9401, Welfare and Institutions Code.

32 Organic food certification organization records, release of, Section 110845,
33 Health and Safety Code.

34 Osteopathic physician and surgeon, rehabilitation and diversion records,
35 confidentiality of, Section 2369, Business and Professions Code.

36 **§ 6276.34. Parole revocation reports to postmortem or autopsy photos**

37 6276.34. Parole revocation proceedings, confidentiality of information in
38 reports, Section 3063.5, Penal Code.

39 Passenger fishing boat licenses, records, Section 7923, Fish and Game Code.

40 Paternity, acknowledgement, confidentiality of records, Section 102760, Health
41 and Safety Code.

1 Patient-physician confidential communication, Sections 992 and 994, Evidence
2 Code.

3 Patient records, confidentiality of, Section 123135, Health and Safety Code.

4 Payment instrument licensee records, inspection of, Section 33206, Financial
5 Code.

6 Payroll records, confidentiality of, Section 1776, Labor Code.

7 Peace officer personnel records, confidentiality of, Sections 832.7 and 832.8,
8 Penal Code.

9 Penitential communication between penitent and clergy, Sections 1032 and
10 1033, Evidence Code.

11 Personal Care Services Program, exemption from disclosure for information
12 regarding persons paid by the state to provide personal care services, Section
13 6253.2.

14 Personal Income Tax, disclosure of information, Article 2 (commencing with
15 Section 19542), Chapter 7, Part 10.2, Division 2, Revenue and Taxation Code.

16 Personal information, Information Practices Act, prohibitions against disclosure
17 by state agencies, Sections 1798.24 and 1798.75, Civil Code.

18 Personal information, subpoena of records containing, Section 1985.4, Code of
19 Civil Procedure.

20 Personal representative, confidentiality of personal representative's birth date
21 and driver's license number, Section 8404, Probate Code.

22 Personnel Administration, Department of, confidentiality of pay data furnished
23 to, Section 19826.5.

24 Persons formerly classified as mentally abnormal sex offenders committed to a
25 state hospital, confidentiality of records, Section 4135, Welfare and Institutions
26 Code.

27 Persons with mental health disorders, court-ordered evaluation, confidentiality
28 of reports, Section 5202, Welfare and Institutions Code.

29 Persons with mental health disorders, confidentiality of written consent to
30 detainment, Section 5326.4, Welfare and Institutions Code.

31 Persons with mental health disorders voluntarily detained and receiving services,
32 confidentiality of records and information, Sections 5328, 5328.15, 5328.2,
33 5328.4, 5328.8, and 5328.9, Welfare and Institutions Code.

34 Persons with mental health disorders, weapons restrictions, confidentiality of
35 information about, Section 8103, Welfare and Institutions Code.

36 Petition signatures, Section 18650, Elections Code.

37 Petroleum supply and pricing, confidential information, Sections 25364 and
38 25366, Public Resources Code.

39 Pharmacist, alcohol or dangerous drug diversion and rehabilitation records,
40 confidentiality of, Section 4372, Business and Professions Code.

41 Physical therapist or assistant, records of dangerous drug or alcohol diversion
42 and rehabilitation, confidentiality of, Section 2667, Business and Professions
43 Code.

1 Physical or mental condition or conviction of controlled substance offense,
2 records in Department of Motor Vehicles, confidentiality of, Section 1808.5,
3 Vehicle Code.

4 Physician and surgeon, rehabilitation and diversion records, confidentiality of,
5 Section 2355, Business and Professions Code.

6 Physician assistant, alcohol or dangerous drug diversion and rehabilitation
7 records, confidentiality of, Section 3534.7, Business and Professions Code.

8 Physician competency examination, confidentiality of reports, Section 2294,
9 Business and Professions Code.

10 Physicians and surgeons, confidentiality of reports of patients with a lapse of
11 consciousness disorder, Section 103900, Health and Safety Code.

12 Physician Services Account, confidentiality of patient names in claims, Section
13 16956, Welfare and Institutions Code.

14 Pilots, confidentiality of personal information, Section 1157.1, Harbors and
15 Navigation Code.

16 Pollution Control Financing Authority, financial data submitted to, subdivision
17 (o), Section 6254.

18 Postmortem or autopsy photos, Section 129, Code of Civil Procedure.

19 **§ 6276.36. Pregnancy tests by local public health agencies to pupil records**

20 6276.36. Pregnancy tests by local public health agencies, confidentiality of,
21 Section 123380, Health and Safety Code.

22 Pregnant women, confidentiality of blood tests, Section 125105, Health and
23 Safety Code.

24 Prehospital emergency medical care, release of information, Sections 1797.188
25 and 1797.189, Health and Safety Code.

26 Prenatal syphilis tests, confidentiality of, Section 120705, Health and Safety
27 Code.

28 Prescription drug discounts, confidentiality of corporate proprietary information,
29 Section 130506, Health and Safety Code.

30 Prisoners, behavioral research on, confidential personal information, Section
31 3515, Penal Code.

32 Prisoners, confidentiality of blood tests, Section 7530, Penal Code.

33 Prisoners, medical testing, confidentiality of records, Sections 7517 and 7540,
34 Penal Code.

35 Prisoners, transfer from county facility for mental treatment and evaluation,
36 confidentiality of written reasons, Section 4011.6, Penal Code.

37 Private industry wage data collected by public entity, confidentiality of, Section
38 6254.6.

39 Private railroad car tax, confidentiality of information, Section 11655, Revenue
40 and Taxation Code.

41 Probate referee, disclosure of materials, Section 8908, Probate Code.

42 Probation officer reports, inspection of, Section 1203.05, Penal Code.

1 Produce dealer, confidentiality of financial statements, Section 56254, Food and
2 Agricultural Code.

3 Products liability insurers, transmission of information, Section 1857.9,
4 Insurance Code.

5 Professional corporations, financial statements, confidentiality of, Section
6 13406, Corporations Code.

7 Property on loan to museum, notice of intent to preserve an interest in, not
8 subject to disclosure, Section 1899.5, Civil Code.

9 Property taxation, confidentiality of change of ownership, Section 481, Revenue
10 and Taxation Code.

11 Property taxation, confidentiality of exemption claims, Sections 63.1, 69.5, and
12 408.2, Revenue and Taxation Code.

13 Property taxation, confidentiality of property information, Section 15641,
14 Government Code and Section 833, Revenue and Taxation Code.

15 Proprietary information, availability only to the director and other persons
16 authorized by the operator and the owner, Section 2778, Public Resources Code.

17 Psychologist and client, confidential relations and communications, Section
18 2918, Business and Professions Code.

19 Psychotherapist-patient confidential communication, Sections 1012 and 1014,
20 Evidence Code.

21 Public employees' home addresses and telephone numbers, confidentiality of,
22 Section 6254.3.

23 Public Employees' Medical and Hospital Care Act, confidentiality of data
24 relating to health care services rendered by participating hospitals to members and
25 annuitants, Section 22854.5.

26 Public Employees' Retirement System, confidentiality of data filed by member
27 or beneficiary with board of administration, Section 20134.

28 Public investment funds, exemption from disclosure for records regarding
29 alternative investments, Section 6254.26.

30 Public school employees organization, confidentiality of proof of majority
31 support submitted to Public Employment Relations Board, Sections 3544, 3544.1,
32 and 3544.5.

33 Public social services, confidentiality of digest of decisions, Section 10964,
34 Welfare and Institutions Code.

35 Public social services, confidentiality of information regarding child abuse or
36 elder or dependent persons abuse, Section 10850.1, Welfare and Institutions Code.

37 Public social services, confidentiality of information regarding eligibility,
38 Section 10850.2, Welfare and Institutions Code.

39 Public social services, confidentiality of records, Section 10850, Welfare and
40 Institutions Code.

41 Public social services, disclosure of information to law enforcement agencies,
42 Section 10850.3, Welfare and Institutions Code.

1 Public social services, disclosure of information to law enforcement agencies
2 regarding deceased applicant or recipient, Section 10850.7, Welfare and
3 Institutions Code.

4 Public utilities, confidentiality of information, Section 583, Public Utilities
5 Code.

6 Pupil, confidentiality of personal information, Section 45345, Education Code.

7 Pupil drug and alcohol use questionnaires, confidentiality of, Section 11605,
8 Health and Safety Code.

9 Pupil, expulsion hearing, disclosure of testimony of witness and closed session
10 of district board, Section 48918, Education Code.

11 Pupil, personal information disclosed to school counselor, confidentiality of,
12 Section 49602, Education Code.

13 Pupil record contents, records of administrative hearing to change contents,
14 confidentiality of, Section 49070, Education Code.

15 Pupil records, access authorized for specified parties, Section 49076, Education
16 Code.

17 Pupil records, disclosure in hearing to dismiss or suspend school employee,
18 Section 44944.1, Education Code.

19 Pupil records, release of directory information to private entities, Sections 49073
20 and 49073.5, Education Code.

21 **§ 6276.38. Radioactive material transportation information to safe surrender site**
22 **information**

23 6276.38. Radioactive materials, dissemination of information about
24 transportation of, Section 33002, Vehicle Code.

25 Railroad infrastructure protection program, disclosure not required for risk
26 assessments filed with the Public Utilities Commission, the Director of Emergency
27 Services, or the Office of Emergency Services, Section 6254.23.

28 Real estate broker, annual report to Bureau of Real Estate of financial
29 information, confidentiality of, Section 10232.2, Business and Professions Code.

30 Real property, acquisition by state or local government, information relating to
31 feasibility, subdivision (h), Section 6254.

32 Real property, change in ownership statement, confidentiality of, Section 27280.

33 Records described in Section 1620 of the Penal Code.

34 Records of contract purchasers, inspection by public prohibited, Section 85,
35 Military and Veterans Code.

36 Records of persons committed to a state hospital pursuant to Section 4135 of the
37 Welfare and Institutions Code.

38 Registered public obligations, inspection of records of security interests in,
39 Section 5060.

40 Registration of exempt vehicles, nondisclosure of name of person involved in
41 alleged violation, Section 5003, Vehicle Code.

1 Rehabilitation, Department of, confidential information, Section 19016, Welfare
2 and Institutions Code.

3 Reinsurance intermediary-broker license information, confidentiality of, Section
4 1781.3, Insurance Code.

5 Relocation assistance, confidential records submitted to a public entity by a
6 business or farm operation, Section 7262.

7 Rent control ordinance, confidentiality of information concerning
8 accommodations sought to be withdrawn from, Section 7060.4.

9 Report of probation officer, inspection, copies, Section 1203.05, Penal Code.

10 Repossession agency licensee application, confidentiality of information,
11 Sections 7503, 7504, and 7506.5, Business and Professions Code.

12 Reproductive health facilities, disclosure not required for personal information
13 regarding employees, volunteers, board members, owners, partners, officers, and
14 contractors of a reproductive health services facility who have provided requisite
15 notification, Section 6254.18.

16 Residence address in any record of Department of Housing and Community
17 Development, confidentiality of, Section 6254.1.

18 Residence address in any record of Department of Motor Vehicles,
19 confidentiality of, Section 6254.1, Government Code, and Section 1808.21,
20 Vehicle Code.

21 Residence and mailing addresses in records of Department of Motor Vehicles,
22 confidentiality of, Section 1810.7, Vehicle Code.

23 Residential care facilities, confidentiality of resident information, Section
24 1568.08, Health and Safety Code.

25 Residential care facilities for the elderly, confidentiality of client information,
26 Section 1569.315, Health and Safety Code.

27 Resource families, identifying information, Section 16519.55, Welfare and
28 Institutions Code.

29 Respiratory care practitioner, professional competency examination reports,
30 confidentiality of, Section 3756, Business and Professions Code.

31 Restraint of trade, civil action by district attorney, confidential memorandum,
32 Section 16750, Business and Professions Code.

33 Reward by Governor for information leading to arrest and conviction,
34 confidentiality of person supplying information, Section 1547, Penal Code.

35 Safe surrender site, confidentiality of information pertaining to a parent or
36 individual surrendering a child, Section 1255.7, Health and Safety Code.

37 **§ 6276.40. Sales and use tax information to SSNs within records of local agencies**

38 6276.40. Sales and use tax, disclosure of information, Section 7056, Revenue
39 and Taxation Code.

40 Santa Barbara Regional Health Authority, exemption from disclosure for records
41 maintained by the authority regarding negotiated rates for the California Medical
42 Assistance Program, Section 14499.6, Welfare and Institutions Code.

1 Savings association employees, disclosure of criminal history information,
2 Section 6525, Financial Code.

3 Savings associations, inspection of records by shareholders, Section 6050,
4 Financial Code.

5 School district governing board, disciplinary action, disclosure of pupil
6 information, Section 35146, Education Code.

7 School employee, merit system examination records, confidentiality of, Section
8 45274, Education Code.

9 School employee, notice and reasons for hearing on nonreemployment of
10 employee, confidentiality of, Sections 44948.5 and 44949, Education Code.

11 School meals for needy pupils, confidentiality of records, Section 49558,
12 Education Code.

13 Sealed records, arrest for misdemeanor, Section 851.7, Penal Code.

14 Sealed records, misdemeanor convictions, Section 1203.45, Penal Code.

15 Sealing and destruction of arrest records, determination of innocence, Section
16 851.8, Penal Code.

17 Search warrants, special master, Section 1524, Penal Code.

18 Sex change, confidentiality of birth certificate, Section 103440, Health and
19 Safety Code.

20 Sex offenders, registration form, Section 290.021, Penal Code.

21 Sexual assault forms, confidentiality of, Section 13823.5, Penal Code.

22 Sexual assault counselor and victim, confidential communication, Sections
23 1035.2, 1035.4, and 1035.8, Evidence Code.

24 Shorthand reporter's complaint, Section 8010, Business and Professions Code.

25 Small family day care homes, identifying information, Section 1596.86, Health
26 and Safety Code.

27 Social security number, applicant for driver's license or identification card,
28 nondisclosure of, Section 1653.5, Vehicle Code, and Section 6254.29.

29 Social security number, official record or official filing, nondisclosure of,
30 Section 9526.5, Commercial Code, and Sections 6254.27 and 6254.28.

31 Social Security Number Truncation Program, Article 3.5 (commencing with
32 Section 27300), Chapter 6, Part 3, Division 2, Title 3.

33 Social security numbers within records of local agencies, nondisclosure of,
34 Section 6254.29.

35 **§ 6276.42. State agency activities relating to unrepresented employees to sturgeon egg**
36 **processor records**

37 6276.42. State agency activities relating to unrepresented employees,
38 subdivision (p) of Section 6254.

39 State agency activities relating to providers of health care, subdivision (a) of
40 Section 6254.

41 State Auditor, access to barred records, Section 8545.2.

42 State Auditor, confidentiality of records, Sections 8545, 8545.1, and 8545.3.

1 State civil service employee, confidentiality of appeal to state personnel board,
2 Section 18952.

3 State civil service employees, confidentiality of reports, Section 18573.

4 State civil service examination, confidentiality of application and examination
5 materials, Section 18934.

6 State Compensation Insurance Fund, exemption from disclosure for various
7 records maintained by the State Compensation Insurance Fund, subdivision (ad),
8 Section 6254.

9 State Contract Act, bids, questionnaires and financial statements, Section 10165,
10 Public Contract Code.

11 State Contract Act, bids, sealing, opening and reading bids, Section 10304,
12 Public Contract Code.

13 State Energy Resources Conservation and Development Commission,
14 confidentiality of proprietary information submitted to, Section 25223, Public
15 Resources Code.

16 State hospital patients, information and records in possession of Superintendent
17 of Public Instruction, confidentiality of, Section 56863, Education Code.

18 State Long-Term Care Ombudsman, access to government agency records,
19 Section 9723, Welfare and Institutions Code.

20 State Long-Term Care Ombudsman office, confidentiality of records and files,
21 Section 9725, Welfare and Institutions Code.

22 State Long-Term Care Ombudsman office, disclosure of information or
23 communications, Section 9715, Welfare and Institutions Code.

24 State Lottery Evaluation Report, disclosure, Section 8880.46.

25 State prisoners, exemption from disclosure for surveys by the California
26 Research Bureau of children of female prisoners, Section 7443, Penal Code.

27 State summary criminal history information, confidentiality of information,
28 Sections 11105, 11105.1, 11105.3, and 11105.4, Penal Code.

29 State Teachers' Retirement System, confidentiality of information filed with the
30 system by a member, participant, or beneficiary, Sections 22306 and 26215,
31 Education Code.

32 Sterilization of disabled, confidentiality of evaluation report, Section 1955,
33 Probate Code.

34 Strawberry marketing information, confidentiality of, Section 63124, Food and
35 Agricultural Code.

36 Structural pest control licensee records relating to pesticide use, confidentiality
37 of, Section 15205, Food and Agricultural Code.

38 Student driver, records of physical or mental condition, confidentiality of,
39 Section 12661, Vehicle Code.

40 Student, community college, information received by school counselor,
41 confidentiality of, Section 72621, Education Code.

42 Student, community college, records, limitations on release, Section 76243,
43 Education Code.

1 Student, community college, record contents, records of administrative hearing
2 to change contents, confidentiality of, Section 76232, Education Code.

3 Student, sexual assault on private higher education institution campus,
4 confidentiality of information, Section 94385, Education Code.

5 Student, sexual assault on public college or university, confidentiality of
6 information, Section 67385, Education Code.

7 Sturgeon egg processors, records, Section 10004, Fish and Game Code.

8 **§ 6276.44. Taxpayer information to trust company disclosure of confidential information of**
9 **private trust**

10 6276.44. Taxpayer information, confidentiality, local taxes, subdivision (i),
11 Section 6254.

12 Tax preparer, disclosure of information obtained in business of preparing tax
13 returns, Section 17530.5, Business and Professions Code.

14 Teacher, credential holder or applicant, information provided to Commission on
15 Teacher Credentialing, confidentiality of, Section 44341, Education Code.

16 Teacher, certified school personnel examination results, confidentiality of,
17 Section 44289, Education Code.

18 Telephone answering service customer list, trade secret, Section 16606,
19 Business and Professions Code.

20 Timber yield tax, disclosure to county assessor, Section 38706, Revenue and
21 Taxation Code.

22 Timber yield tax, disclosure of information, Section 38705, Revenue and
23 Taxation Code.

24 Title insurers, confidentiality of notice of noncompliance, Section 12414.14,
25 Insurance Code.

26 Tobacco products, exemption from disclosure for distribution information
27 provided to the State Department of Public Health, Section 22954, Business and
28 Professions Code.

29 Tow truck driver, information in records of California Highway Patrol,
30 Department of Motor Vehicles, or other agencies, confidentiality of, Sections 2431
31 and 2432.3, Vehicle Code.

32 Toxic substances, Department of, inspection of records of, Section 25152.5,
33 Health and Safety Code.

34 Trade secrets, Section 1060, Evidence Code.

35 Trade secrets, confidentiality of, occupational safety and health inspections,
36 Section 6322, Labor Code.

37 Trade secrets, disclosure of public records, Section 3426.7, Civil Code.

38 Trade secrets, food, drugs, cosmetics, nondisclosure, Sections 110165 and
39 110370, Health and Safety Code.

40 Trade secrets, protection by Director of the Department of Pesticide Regulation,
41 Section 6254.2.

1 Trade secrets and proprietary information relating to pesticides, confidentiality
2 of, Sections 14022 and 14023, Food and Agricultural Code.

3 Trade secrets, protection by Director of Industrial Relations, Section 6396,
4 Labor Code.

5 Trade secrets relating to hazardous substances, disclosure of, Sections 25358.2
6 and 25358.7, Health and Safety Code.

7 Traffic violator school licensee records, confidentiality of, Section 11212,
8 Vehicle Code.

9 Traffic offense, dismissed for participation in driving school or program, record
10 of, confidentiality of, Section 1808.7, Vehicle Code.

11 Transit districts, questionnaire and financial statement information in bids,
12 Section 99154, Public Utilities Code.

13 Tribal-state gaming contracts, exemption from disclosure for records of an
14 Indian tribe relating to securitization of annual payments, Section 63048.63.

15 Trust companies, disclosure of private trust confidential information, Section
16 1582, Financial Code.

17 **§ 6276.46. Unclaimed property records to ward's or dependent child's juvenile court**
18 **documents**

19 6276.46. Unclaimed property, Controller records of, disclosure, Section 1582,
20 Code of Civil Procedure.

21 Unemployment compensation, disclosure of confidential information, Section
22 2111, Unemployment Insurance Code.

23 Unemployment compensation, information obtained in administration of code,
24 Section 1094, Unemployment Insurance Code.

25 Unemployment fund contributions, publication of annual tax paid, Section 989,
26 Unemployment Insurance Code.

27 University of California, exemption from disclosure for information submitted
28 by bidders for award of best value contracts, Section 10506.6, Public Contract
29 Code.

30 Unsafe working condition, confidentiality of complainant, Section 6309, Labor
31 Code.

32 Use fuel tax information, disclosure prohibited, Section 9255, Revenue and
33 Taxation Code.

34 Utility systems development, confidential information, subdivision (e), Section
35 6254.

36 Utility user tax return and payment records, exemption from disclosure, Section
37 7284.6, Revenue and Taxation Code.

38 Vehicle registration, confidentiality of information, Section 4750.4, Vehicle
39 Code.

40 Vehicle accident reports, disclosure of, Sections 16005, 20012, and 20014,
41 Vehicle Code and Section 27177, Streets and Highways Code.

1 Vehicular offense, record of, confidentiality five years after conviction, Section
2 1807.5, Vehicle Code.

3 Veterans Affairs, Department of, confidentiality of records of contract
4 purchasers, Section 85, Military and Veterans Code.

5 Veterinarian or animal health technician, alcohol or dangerous drugs diversion
6 and rehabilitation records, confidentiality of, Section 4871, Business and
7 Professions Code.

8 Victims' Legal Resource Center, confidentiality of information and records
9 retained, Section 13897.2, Penal Code.

10 Voter, affidavit or registration, confidentiality of information contained in,
11 Section 6254.4.

12 Voter, registration by confidential affidavit, Section 2194, Elections Code.

13 Voting, secrecy, Section 1050, Evidence Code.

14 Wards and dependent children, inspection of juvenile court documents, Section
15 827, Welfare and Institutions Code.

16 **§ 6276.48. Ward's petition for sealing records to Youth Authority information relating to**
17 **specified offenses**

18 6276.48. Wards, petition for sealing records, Section 781, Welfare and
19 Institutions Code.

20 Winegrowers of California Commission, confidentiality of producers' or
21 vintners' proprietary information, Sections 74655 and 74955, Food and
22 Agricultural Code.

23 Workers' Compensation Appeals Board, injury or illness report, confidentiality
24 of, Section 6412, Labor Code.

25 Workers' compensation insurance, dividend payment to policyholder,
26 confidentiality of information, Section 11739, Insurance Code.

27 Workers' compensation insurance fraud reporting, confidentiality of
28 information, Section 1877.4, Insurance Code.

29 Workers' compensation insurer or rating organization, confidentiality of notice
30 of noncompliance, Section 11754, Insurance Code.

31 Workers' compensation insurer, rating information, confidentiality of, Section
32 11752.7, Insurance Code.

33 Workers' compensation, notice to correct noncompliance, Section 11754,
34 Insurance Code.

35 Workers' compensation, release of information to other governmental agencies,
36 Section 11752.5, Insurance Code.

37 Workers' compensation, self-insured employers, confidentiality of financial
38 information, Section 3742, Labor Code.

39 Workplace inspection photographs, confidentiality of, Section 6314, Labor
40 Code.

41 Youth Authority, parole revocation proceedings, confidentiality of, Section
42 1767.6, Welfare and Institutions Code.

- 1 Youth Authority, release of information in possession of Youth Authority for
- 2 offenses under Sections 676, 1764.1, and 1764.2, Welfare and Institutions Code.



LEGISLATIVE INFORMATION

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**Senate Bill No. 8**

CHAPTER 247

An act to add Article 7 (commencing with Section 72690) to Chapter 6 of Part 45 of Division 7 of, to add Article 1.5 (commencing with Section 89913) to Chapter 7 of Part 55 of Division 8 of, and to add Chapter 14 (commencing with Section 92950) to Part 57 of Division 9 of, Title 3 of, the Education Code, relating to public records.

[Approved by Governor September 06, 2011. Filed with Secretary of State September 06, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

SB 8, Yee. Public records: auxiliary organizations and UC campus foundations.

The California Public Records Act requires state and local agencies to make their records available for public inspection and to make copies available upon request and payment of a fee unless those records are exempt from disclosure.

Existing law establishes the segments of the public postsecondary education system in the state, including the University of California administered by the Regents of the University of California, the California State University administered by the Trustees of the California State University, and the California Community Colleges administered by the Board of Governors of the California Community Colleges.

This bill would require records maintained by an auxiliary organization of the governing board of a community college district, the Board of Governors of the California Community Colleges, and California State University, as defined, or a University of California (UC) campus foundation, as defined, to be available to the public to inspect or copy at all times during the office hours of the organization or foundation, as specified. The bill would require an auxiliary organization and a UC campus foundation to follow specified requirements when fulfilling or denying a request for a record. The bill would prohibit specified records maintained by an auxiliary organization or UC campus foundation from being subject to disclosure. The bill would prohibit an auxiliary organization from disclosing trade secrets, as defined, and would require this information to be redacted from the organization's records before disclosure. The bill would provide specified judicial relief to persons seeking disclosure of records from an auxiliary organization or a UC campus foundation pursuant to this bill. The bill would require a disclosure of a record, which is exempt from disclosure, by an auxiliary organization or a UC campus foundation to constitute a waiver of the exemptions provided by this bill with regard to that record,

except as specified. The bill would provide that a contract entered into after the effective date of this bill, which would prevent the disclosure of information required to be disclosed pursuant to this bill, is void and unenforceable. The bill would provide that its provisions do not apply to any records subject to a request made pursuant to the California Public Records Act.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 7 (commencing with Section 72690) is added to Chapter 6 of Part 45 of Division 7 of Title 3 of the Education Code, to read:

Article 7. The Richard McKee Transparency Act of 2011

72690. The Legislature finds and declares all of the following:

(a) Access to information concerning the conduct of the people's business is a necessary and fundamental right of every person in this state.

(b) The auxiliary organizations of a governing board of a community college district and of the Board of Governors of the California Community Colleges promote and assist the colleges by engaging in activities that are essential and integral to the mission and purpose of the California Community Colleges.

(c) The auxiliary organizations of a governing board of a community college district and of the Board of Governors of the California Community Colleges are legally separate from the California Community Colleges.

(d) Access to records used, owned, or maintained by these auxiliary organizations must be balanced by the need to protect the individual privacy rights of donors and volunteers, and to protect an auxiliary organization's fiduciary interests.

72691. For purposes of this article, the following terms have the following meanings:

(a) "Auxiliary organization" means those entities defined in Sections 72670 and 72670.5.

(b) "Identifiable writing" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

72692. (a) Records maintained by an auxiliary organization shall be available to the public to inspect or copy at all times during the office hours of the auxiliary organization, except as hereafter provided. The records subject to inspection or copying by the public pursuant to this section shall include any identifiable writing containing information relating to the conduct of the auxiliary organization that is prepared, owned, used, or retained by an auxiliary organization. Any reasonably segregable portion of a record shall be promptly available for inspection and copying after redacting those portions exempt from disclosure by law.

(b) Upon a request for a copy of a record that reasonably describes an identifiable record, an auxiliary organization shall make the record promptly available within a reasonable time to any person upon payment of fees covering only the direct cost of duplication, except with respect to records maintained by an auxiliary organization exempt from disclosure by law. Nothing in this article shall be construed to permit an auxiliary organization to delay or obstruct the inspection or copying of public records.

(c) If a member of the public requests to inspect a public record or obtain a copy of a record held by an auxiliary organization, the organization shall assist the person to make a focused and effective request that reasonably describes an identifiable record or records.

72693. (a) Upon a written request for a copy or inspection of records, an auxiliary organization shall determine, within 10 calendar days from the receipt of the request, whether the request, in whole or in part, seeks copies of disclosable records maintained by the auxiliary organization and shall notify the requester in writing without undue delay of the determination and the reasons therefor.

(b) (1) In unusual circumstances, the time limit prescribed in this section may be extended by a written notice by the head of the auxiliary organization, or his or her designee, to the person making the request that sets forth the reasons for the extension and the date on which a determination is expected to be sent. That notice shall not specify a date that would result in an extension of more than 14 days. When the auxiliary organization sends the determination, and if the auxiliary organization determines that the request seeks disclosable public records, the auxiliary organization shall state the estimated date and time when the records will be made available.

(2) As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(A) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(B) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

(C) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having a substantial subject matter interest therein.

(D) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

(c) An auxiliary organization shall justify withholding a record by demonstrating that the record is exempt from disclosure by law, or that, on the facts of the particular request, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

(d) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing and shall set forth the names and titles or positions of each person responsible for the denial.

(e) This article shall not limit access to a public record on the basis of the purpose for which the record is being requested, if the record is otherwise subject to disclosure.

72694. (a) Unless otherwise prohibited by law, an auxiliary organization that has information that constitutes an identifiable record not exempt from disclosure pursuant to this chapter that is in an electronic format shall make that record available in an electronic format when requested by any person and, when applicable, shall comply with both of the following:

(1) An auxiliary organization shall make an electronic record available in the electronic format in which it holds the information.

(2) An auxiliary organization shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the auxiliary organization to create copies for its own use or for provision to other entities or persons. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.

(b) Notwithstanding paragraph (2) of subdivision (a), the requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record if either of the following applies:

(1) In order to comply with the provisions of subdivision (a), an auxiliary organization would be required to

produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.

(2) The request would require data compilation, extraction, or programming to produce the record.

(c) If a request is for a record in a nonelectronic format, and the record is also available in an electronic format, an auxiliary organization may inform the requester that the record is available in an electronic format.

(d) Nothing in this section shall be construed to do any of the following:

(1) Require an auxiliary organization to reconstruct a record in an electronic format if the auxiliary organization no longer has the record available in an electronic format.

(2) Permit an auxiliary organization to make a record available only in an electronic format.

(3) Require an auxiliary organization to release an electronic record in the electronic form in which it is held by the auxiliary organization if its release would jeopardize or compromise the security or integrity of the original record, or of any proprietary software with which it is maintained.

(4) Permit public access to records held by an auxiliary organization to which access is otherwise restricted by law.

72695. Nothing in this article shall require an auxiliary organization to disclose information that is exempt from disclosure pursuant to the exemptions set forth under Sections 6254 to 6255, inclusive, of the Government Code.

72696. (a) Notwithstanding any other law, the following records maintained by an auxiliary organization shall not be subject to disclosure:

(1) Information that would disclose the identity of a donor, prospective donor, or volunteer.

(2) Personal financial information, estate planning information, and gift planning information of a donor, prospective donor, or volunteer.

(3) Personal information related to a donor's private trusts or a donor's private annuities administered by an auxiliary organization.

(4) Information related to fundraising plans, fundraising research, and solicitation strategies to the extent that these activities are not already protected under Section 99040, Title 5 (commencing with Section 3426) of Part 1 of Division 4 of the Civil Code, Section 1060 of the Evidence Code, or subdivision (k) of Section 6254 of the Government Code.

(5) The identity of students and alumni to the extent that this information is already protected under state and federal statutes applicable to the California Community Colleges. This paragraph shall not apply to a part-time or full-time employee of the auxiliary organization, or to a student who participates in a legislative body of a student body organization that operates on a campus of a California Community College.

(b) Subdivision (a) shall not be construed to exempt from disclosure records that contain information regarding any of the following:

(1) The amount and date of a donation.

(2) Any donor-designated use or purpose of a donation.

(3) Any other donor-imposed restrictions on the use of a donation.

(4) (A) The identity of a donor who, in any fiscal year, makes a gift or gifts, in a quid pro quo arrangement, where either the value of the benefit received is in excess of two thousand five hundred dollars (\$2,500) or the benefit would be impermissible under state or federal law. In these circumstances, records pertaining to

the gift or gifts maintained by an auxiliary organization that would otherwise be exempt from disclosure under subdivision (a) shall be disclosed.

(B) Annually, on January 1, the monetary threshold set forth in subparagraph (A) shall be adjusted upward or downward to reflect the percentage change in the Consumer Price Index, as calculated by the United States Bureau of Labor Statistics, rounded off to the nearest one thousand dollars (\$1,000).

(5) Self-dealing transactions, including, but not limited to, loans of money or property, or material financial interests of or between auxiliary officers or directors and an auxiliary organization, as set forth in Sections 5233 and 5236 of the Corporations Code. In these circumstances, records pertaining to the self-dealing transactions maintained by an auxiliary organization that would otherwise be exempt from disclosure under subdivision (a) shall be disclosed.

(6) Any instance in which a volunteer or donor of a gift is awarded, within five years of the date of the service or gift, a contract from the university or auxiliary organization that was not subject to competitive bidding. In these circumstances, records pertaining to the service or gift maintained by an auxiliary organization that would otherwise be exempt from disclosure under paragraph (1) of subdivision (a) shall be disclosed.

72696.5. (a) Notwithstanding any provision of law, trade secrets, as defined in Section 3426.1 of the Civil Code, shall not be subject to disclosure. This information shall be redacted from auxiliary organization records before disclosure.

(b) For purposes of this section, "trade secrets" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that does both of the following:

(1) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use.

(2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

72697. Any person may institute proceedings for injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of any record or class of records maintained by an auxiliary organization under this article. The times for responsive pleadings and for hearings in these proceedings shall be set by the judge of the court with the object of securing a decision as to these matters at the earliest possible time.

72698. (a) Whenever it is made to appear by verified petition to the superior court of the county where the records or some part thereof are situated that certain records maintained by an auxiliary organization are being improperly withheld from a member of the public, the court shall order the officer or person charged with withholding the records to disclose the record or show cause why he or she should not do so. The court shall decide the case after examining the record in camera, if permitted by subdivision (b) of Section 915 of the Evidence Code, papers filed by the parties, and any oral argument and additional evidence as the court may allow.

(b) If the court finds that an auxiliary organization official's decision to refuse disclosure is not justified under this article, he or she shall order the official to make the record public. If the judge determines that the official was justified in refusing to make the record public, he or she shall return the item to the official without disclosing its content with an order supporting the decision refusing disclosure.

(c) An order of the court, either directing disclosure by an auxiliary organization or supporting the decision of the auxiliary organization official refusing disclosure, is not a final judgment or order within the meaning of Section 904.1 of the Code of Civil Procedure from which an appeal may be taken, but shall be immediately reviewable by petition to the appellate court for the issuance of an extraordinary writ. Upon entry of any order pursuant to this section, a party shall, in order to obtain review of the order, file a petition within 20 days after service upon him or her of a written notice of entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow. If the notice is served by mail, the period within

which to file the petition shall be increased by five days. A stay of an order or judgment shall not be granted unless the petitioning party demonstrates it will otherwise sustain irreparable damage and probable success on the merits. Any person who fails to obey the order of the court shall be cited to show cause why he or she is not in contempt of court.

(d) The court shall award court costs and reasonable attorney's fees to the plaintiff should the plaintiff prevail in litigation filed pursuant to this section. The costs and reasonable attorney's fees shall be paid by the auxiliary organization of which the official is a member or employee and shall not become a personal liability of the auxiliary organization official. If the court finds that the plaintiff's case is clearly frivolous, the court shall award court costs and reasonable attorney's fees to the auxiliary organization.

72699. (a) Notwithstanding any other provision of law, and except as provided for in subdivision (c), whenever an auxiliary organization discloses a record it maintains that is otherwise exempt from this article, this disclosure shall constitute a waiver of the exemptions specified in this article.

(b) For purposes of this section, "auxiliary organization" includes a member, agent, volunteer, or officer of the auxiliary organization acting within the scope of his or her affiliation with the auxiliary.

(c) Subdivision (a) shall not apply to the following disclosures:

(1) Disclosures made to a donor or prospective donor with regard to that donor's donation or prospective donation to an auxiliary organization.

(2) Disclosures made to a volunteer or prospective volunteer with respect to that volunteer's services being provided to the auxiliary organization.

(3) Disclosures made through other legal proceedings or as otherwise required by law.

(4) Disclosures within the scope of a disclosure required by law that limits disclosure of specified writings to certain purposes.

(5) Disclosures described in subdivision (a) of Section 72696 to an auditor conducting an audit.

(6) Disclosures described in subdivision (a) of Section 72696 to a bank or similar financial institution in the course of ordinary financial transactions, or in response to a request from the bank or other financial institution relating to the ordinary delivery of financial services.

72700. Any provision in a contract entered into after the effective date of this article between an auxiliary organization and another party that would prevent the disclosure of information required to be disclosed pursuant to this article is void and unenforceable, and such a provision shall not justify a failure to comply with the requirements of this article.

72701. This article shall not apply to any records subject to a request made pursuant to the California Public Records Act, as set forth in Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code.

SEC. 2. Article 1.5 (commencing with Section 89913) is added to Chapter 7 of Part 55 of Division 8 of Title 3 of the Education Code, to read:

Article 1.5. The Richard McKee Transparency Act of 2011

89913. The Legislature finds and declares all of the following:

(a) Access to information concerning the conduct of the people's business is a necessary and fundamental right of every person in this state.

(b) California State University auxiliary organizations promote and assist the Trustees of the California State

University by engaging in activities that are essential and integral to the mission and purpose of the California State University.

(c) California State University auxiliary organizations are independently governed corporations that are legally separate from the California State University.

(d) Access to records used, owned, or maintained by auxiliary organizations must be balanced by the need to protect the individual privacy rights of donors and volunteers, and to protect an auxiliary organization's fiduciary interests.

89913.5. For purposes of this article, the following terms have the following meanings:

(a) "Auxiliary organization" means those entities defined in Section 89901.

(b) "Identifiable writing" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

89914. (a) Records maintained by an auxiliary organization shall be available to the public to inspect or copy at all times during the office hours of the auxiliary organization, except as hereafter provided. The records subject to inspection or copying by the public pursuant to this section shall include any identifiable writing containing information relating to the conduct of the auxiliary organization that is prepared, owned, used, or retained by an auxiliary organization. Any reasonably segregable portion of a record shall be promptly available for inspection and copying after redacting those portions exempt from disclosure by law.

(b) Upon a request for a copy of a record that reasonably describes an identifiable record, an auxiliary organization shall make the record promptly available within a reasonable time to any person upon payment of fees covering only the direct cost of duplication, except with respect to records maintained by an auxiliary organization exempt from disclosure by law. Nothing in this article shall be construed to permit an auxiliary organization to delay or obstruct the inspection or copying of public records.

(c) If a member of the public requests to inspect a public record or obtain a copy of a record held by an auxiliary organization, the organization shall assist the person to make a focused and effective request that reasonably describes an identifiable record or records.

89914.5. (a) Upon a written request for a copy or inspection of records, an auxiliary organization shall determine, within 10 calendar days from the receipt of the request, whether the request, in whole or in part, seeks copies of disclosable records maintained by the auxiliary organization and shall notify the requester in writing without undue delay of the determination and the reasons therefor.

(b) (1) In unusual circumstances, the time limit prescribed in this section may be extended by a written notice by the head of the auxiliary organization, or his or her designee, to the person making the request that sets forth the reasons for the extension and the date on which a determination is expected to be sent. That notice shall not specify a date that would result in an extension of more than 14 days. When the auxiliary organization sends the determination, and if the auxiliary organization determines that the request seeks disclosable public records, the auxiliary organization shall state the estimated date and time when the records will be made available.

(2) As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(A) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(B) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct

records that are demanded in a single request.

(C) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having a substantial subject matter interest therein.

(D) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

(c) An auxiliary organization shall justify withholding a record by demonstrating that the record is exempt from disclosure by law, or that, on the facts of the particular request, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

(d) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing and shall set forth the names and titles or positions of each person responsible for the denial.

(e) This article shall not limit access to a public record on the basis of the purpose for which the record is being requested, if the record is otherwise subject to disclosure.

89915. (a) Unless otherwise prohibited by law, an auxiliary organization that has information that constitutes an identifiable record not exempt from disclosure pursuant to this chapter that is in an electronic format shall make that record available in an electronic format when requested by any person and, when applicable, shall comply with both of the following:

(1) An auxiliary organization shall make an electronic record available in the electronic format in which it holds the information.

(2) An auxiliary organization shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the auxiliary organization to create copies for its own use or for provision to other entities or persons. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.

(b) Notwithstanding paragraph (2) of subdivision (a), the requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record if either of the following applies:

(1) In order to comply with the provisions of subdivision (a), an auxiliary organization would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.

(2) The request would require data compilation, extraction, or programming to produce the record.

(c) If a request is for a record in a nonelectronic format, and the record is also available in an electronic format, an auxiliary organization may inform the requester that the record is available in an electronic format.

(d) Nothing in this section shall be construed to do any of the following:

(1) Require an auxiliary organization to reconstruct a record in an electronic format if the auxiliary organization no longer has the record available in an electronic format.

(2) Permit an auxiliary organization to make a record available only in an electronic format.

(3) Require an auxiliary organization to release an electronic record in the electronic form in which it is held by the auxiliary organization if its release would jeopardize or compromise the security or integrity of the original record, or of any proprietary software with which it is maintained.

(4) Permit public access to records held by an auxiliary organization to which access is otherwise restricted by law.

89915.5. Nothing in this article shall require an auxiliary organization to disclose information that is exempt from disclosure pursuant to the exemptions set forth under Sections 6254 to 6255, inclusive, of the Government Code.

89916. (a) Notwithstanding any other law, the following records maintained by an auxiliary organization shall not be subject to disclosure:

(1) Information that would disclose the identity of a donor, prospective donor, or volunteer.

(2) Personal financial information, estate planning information, and gift planning information of a donor, prospective donor, or volunteer.

(3) Personal information related to a donor's private trusts or a donor's private annuities administered by an auxiliary organization.

(4) Information related to fundraising plans, fundraising research, and solicitation strategies to the extent that these activities are not already protected under Section 99040, Title 5 (commencing with Section 3426) of Part 1 of Division 4 of the Civil Code, Section 1060 of the Evidence Code, or subdivision (k) of Section 6254 of the Government Code.

(5) The identity of students and alumni to the extent that this information is already protected under state and federal statutes applicable to the California State University. This paragraph shall not apply to a part-time or full-time employee of the auxiliary organization, or to a student who participates in a legislative body of a student body organization as defined in Section 89305.1.

(b) Subdivision (a) shall not be construed to exempt from disclosure records that contain information regarding any of the following:

(1) The amount and date of a donation.

(2) Any donor-designated use or purpose of a donation.

(3) Any other donor-imposed restrictions on the use of a donation.

(4) (A) The identity of a donor who, in any fiscal year, makes a gift or gifts, in a quid pro quo arrangement, where either the value of the benefit received is in excess of two thousand five hundred dollars (\$2,500) or the benefit would be impermissible under state or federal law. In these circumstances, records pertaining to the gift or gifts maintained by an auxiliary organization that would otherwise be exempt from disclosure under subdivision (a) shall be disclosed.

(B) Annually, on January 1, the monetary threshold set forth in subparagraph (A) shall be adjusted upward or downward to reflect the percentage change in the Consumer Price Index, as calculated by the United States Bureau of Labor Statistics, rounded off to the nearest one thousand dollars (\$1,000).

(5) Self-dealing transactions, including, but not limited to, loans of money or property, or material financial interests of or between auxiliary officers or directors and an auxiliary organization, as set forth in Sections 5233 and 5236 of the Corporations Code. In these circumstances, records pertaining to the self-dealing transactions maintained by an auxiliary organization that would otherwise be exempt from disclosure under subdivision (a) shall be disclosed.

(6) Any instance in which a volunteer or donor of a gift is awarded, within five years of the date of the service or gift, a contract from the university or auxiliary organization that was not subject to competitive bidding. In these circumstances, records pertaining to the service or gift maintained by an auxiliary organization that would otherwise be exempt from disclosure under paragraph (1) of subdivision (a) shall be disclosed.

89916.5. (a) Notwithstanding any provision of law, trade secrets, as defined in Section 3426.1 of the Civil Code, shall not be subject to disclosure. This information shall be redacted from auxiliary organization records before disclosure.

(b) For purposes of this section, "trade secrets" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that does both of the following:

(1) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use.

(2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

89917. Any person may institute proceedings for injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of any record or class of records maintained by an auxiliary organization under this article. The times for responsive pleadings and for hearings in these proceedings shall be set by the judge of the court with the object of securing a decision as to these matters at the earliest possible time.

89917.5. (a) Whenever it is made to appear by verified petition to the superior court of the county where the records or some part thereof are situated that certain records maintained by an auxiliary organization are being improperly withheld from a member of the public, the court shall order the officer or person charged with withholding the records to disclose the record or show cause why he or she should not do so. The court shall decide the case after examining the record in camera, if permitted by subdivision (b) of Section 915 of the Evidence Code, papers filed by the parties, and any oral argument and additional evidence as the court may allow.

(b) If the court finds that an auxiliary organization official's decision to refuse disclosure is not justified under this article, he or she shall order the official to make the record public. If the judge determines that the official was justified in refusing to make the record public, he or she shall return the item to the official without disclosing its content with an order supporting the decision refusing disclosure.

(c) An order of the court, either directing disclosure by an auxiliary organization or supporting the decision of the auxiliary organization official refusing disclosure, is not a final judgment or order within the meaning of Section 904.1 of the Code of Civil Procedure from which an appeal may be taken, but shall be immediately reviewable by petition to the appellate court for the issuance of an extraordinary writ. Upon entry of any order pursuant to this section, a party shall, in order to obtain review of the order, file a petition within 20 days after service upon him or her of a written notice of entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow. If the notice is served by mail, the period within which to file the petition shall be increased by five days. A stay of an order or judgment shall not be granted unless the petitioning party demonstrates it will otherwise sustain irreparable damage and probable success on the merits. Any person who fails to obey the order of the court shall be cited to show cause why he or she is not in contempt of court.

(d) The court shall award court costs and reasonable attorney's fees to the plaintiff should the plaintiff prevail in litigation filed pursuant to this section. The costs and reasonable attorney's fees shall be paid by the auxiliary organization of which the official is a member or employee and shall not become a personal liability of the auxiliary organization official. If the court finds that the plaintiff's case is clearly frivolous, the court shall award court costs and reasonable attorney's fees to the auxiliary organization.

89918. (a) Notwithstanding any other provision of law, and except as provided for in subdivision (c), whenever an auxiliary organization discloses a record it maintains that is otherwise exempt from this article, this disclosure shall constitute a waiver of the exemptions specified in this article.

(b) For purposes of this section, "auxiliary organization" includes a member, agent, volunteer, or officer of the auxiliary organization acting within the scope of his or her affiliation with the auxiliary.

(c) Subdivision (a) shall not apply to the following disclosures:

(1) Disclosures made to a donor or prospective donor with regard to that donor's donation or prospective donation to an auxiliary organization.

(2) Disclosures made to a volunteer or prospective volunteer with respect to that volunteer's services being provided to the auxiliary organization.

(3) Disclosures made through other legal proceedings or as otherwise required by law.

(4) Disclosures within the scope of a disclosure required by law that limits disclosure of specified writings to certain purposes.

(5) Disclosures described in subdivision (a) of Section 89916 to an auditor conducting an audit.

(6) Disclosures described in subdivision (a) of Section 89916 to a bank or similar financial institution in the course of ordinary financial transactions, or in response to a request from the bank or other financial institution relating to the ordinary delivery of financial services.

89918.5. Any provision in a contract entered into after the effective date of this article between an auxiliary organization and another party that would prevent the disclosure of information required to be disclosed pursuant to this article is void and unenforceable, and such a provision shall not justify a failure to comply with the requirements of this article.

89919. This article shall not apply to any records subject to a request made pursuant to the California Public Records Act, as set forth in Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code.

SEC. 3. Chapter 14 (commencing with Section 92950) is added to Part 57 of Division 9 of Title 3 of the Education Code, to read:

CHAPTER 14. The Richard McKee Transparency Act of 2011

92950. The Legislature finds and declares all of the following:

(a) Mindful of the right of individuals to privacy, access to information concerning the conduct of the people's business is a necessary and fundamental right of every person in this state.

(b) University of California campus foundations are independently governed charitable nonprofit corporations that are legally separate from the University of California (UC), but provide important support to the individual campuses of the UC and the UC system as a whole.

(c) The release of information maintained by University of California campus foundations to the public must be balanced by the need to protect the individual privacy rights of donors and volunteers and to protect the fiduciary interests of these organizations.

92951. As used in this chapter, the following terms have the following meanings:

(a) "UC campus foundation" means the following corporations organized under the laws of the State of California: University of California, Berkeley Foundation, UC Davis Foundation, the University of California, Irvine Foundation, the UCLA Foundation, University of California, Merced Foundation, UC Riverside Foundation, U.C. San Diego Foundation, University of California, San Francisco Foundation, UC Santa Barbara Foundation, U.C. Santa Cruz Foundation, and any other foundation authorized by the Regents of the University of California.

(b) "Identifiable writing" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

92952. (a) Records maintained by a UC campus foundation shall be available to the public to inspect or copy at

all times during the office hours of the foundation, except as hereafter provided. The records subject to inspection or copying by the public pursuant to this section shall include any identifiable writing containing information relating to the conduct of the UC campus foundation that is prepared, owned, used, or retained by a UC campus foundation. Any reasonably segregable portion of a record shall be promptly available for inspection and copying after redacting those portions exempt from disclosure by law.

(b) Upon a request for a copy of a record that reasonably describes an identifiable record, a UC campus foundation shall make the record available within a reasonable time to any person upon payment of fees covering only the direct cost of duplication, except with respect to records maintained by a UC campus foundation exempt from disclosure by law. Nothing in this chapter shall be construed to permit a UC campus foundation to delay or obstruct the inspection or copying of public records.

(c) If a member of the public requests to inspect a public record or obtain a copy of a record held by a UC campus foundation, the UC campus foundation shall assist the person to make a focused and effective request that reasonably describes an identifiable record or records.

92953. (a) Upon a written request for a copy or inspection of records, a UC campus foundation shall determine, within 10 calendar days from the receipt of such request, whether the request, in whole or in part, seeks copies of disclosable records maintained by the UC campus foundation and shall notify the requester in writing without undue delay of the determination and the reasons therefor.

(b) (1) In unusual circumstances, the time limit prescribed in this section may be extended by a written notice by the head of the UC campus foundation, or his or her designee, to the person making the request that sets forth the reasons for the extension and the date on which a determination is expected to be sent. That notice shall not specify a date that would result in an extension of more than 14 days. When the UC campus foundation sends the determination, and if the UC campus foundation determines that the request seeks disclosable public records, the UC campus foundation shall state the estimated date and time when the records will be made available.

(2) As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(A) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(B) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

(C) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having a substantial subject matter interest therein.

(D) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

(c) A UC campus foundation shall justify withholding disclosure of a record by demonstrating that the record is exempt from disclosure by law, or that, on the facts of the particular request, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

(d) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing and shall not set forth the names and titles or positions of each person responsible for the denial.

(e) This chapter shall not limit access to a public record on the basis of the purpose for which the record is being requested, if the record is otherwise subject to disclosure.

92954. (a) Unless otherwise prohibited by law, a UC campus foundation that has information that constitutes

an identifiable record not exempt from disclosure pursuant to this chapter that is in an electronic format shall make that record available in an electronic format when requested by any person and, when applicable, shall comply with both of the following:

(1) A UC campus foundation shall make the electronic record available in the electronic format in which it holds the information.

(2) A UC campus foundation shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the UC campus foundation to create copies for its own use or for provision to other entities or persons. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.

(b) Notwithstanding paragraph (2) of subdivision (a), the requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record if either of the following applies:

(1) In order to comply with the provisions of subdivision (a), a UC campus foundation would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.

(2) The request would require data compilation, extraction, or programming to produce the record.

(c) If a request is for a record in a nonelectronic format, and the record is also available in an electronic format, a UC campus foundation may inform the requester that the record is available in an electronic format.

(d) Nothing in this section shall be construed to do any of the following:

(1) Require a UC campus foundation to reconstruct a record in an electronic format if the UC campus foundation no longer has the record available in an electronic format.

(2) Permit a UC campus foundation to make a record available only in an electronic format.

(3) Require a UC campus foundation to release an electronic record in the electronic form in which it is held by the UC campus foundation if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software with which it is maintained.

(4) Permit public access to records held by any UC campus foundation to which access is otherwise restricted by law.

92955. Nothing in this chapter shall require a UC campus foundation to disclose information that is exempt from disclosure pursuant to the specific exemptions set forth under Sections 6254 to 6255, inclusive, of the Government Code.

92956. (a) Notwithstanding any other law, the following records maintained by a UC campus foundation shall not be subject to disclosure:

(1) Information that would disclose the identity of a donor, prospective donor, or volunteer.

(2) Personal financial information, estate planning information, and gift planning information of a donor, prospective donor, or volunteer.

(3) Personal information related to any of a donor's private trusts or a donor's private annuities administered by a UC campus foundation.

(4) Information related to fundraising plans, fundraising research, and solicitation strategies to the extent that these activities are not already protected under Section 99040, Title 5 (commencing with Section 3426) of Part 1 of Division 4 of the Civil Code, Section 1060 of the Evidence Code, or subdivision (k) of Section 6254 of the Government Code.

(5) The identity of students and alumni to the extent that this information is already protected under state and federal statutes applicable to the University of California. This paragraph shall not apply to a part-time or full-time employee of the UC campus foundation, or to a student who participates in a legislative body of a student body organization on a University of California campus.

(b) Subdivision (a) shall not be construed to exempt from disclosure records that contain information regarding any of the following:

(1) The amount and date of a donation.

(2) Any donor-designated use or purpose of a donation.

(3) Any other donor-imposed restrictions on the use of a donation.

(4) (A) The identity of a donor who, in any fiscal year, makes a gift or gifts, in a quid pro quo arrangement, where either the value of the benefit received is in excess of two thousand five hundred dollars (\$2,500) or the benefit would be impermissible under state or federal law. In these circumstances, records pertaining to the gift or gifts maintained by a UC campus foundation that would otherwise be exempt from disclosure under subdivision (a) shall be disclosed.

(B) Annually, on January 1, the monetary threshold set forth in subparagraph (A) shall be adjusted upward or downward to reflect the percentage change in the Consumer Price Index, as calculated by the United States Bureau of Labor Statistics, rounded off to the nearest one thousand dollars (\$1,000).

(5) Self-dealing transactions, including, but not limited to, loans of money or property, or material financial interests of or between foundation officers or directors and a UC campus foundation, as set forth in Sections 5233 and 5236 of the Corporations Code. In these circumstances, records pertaining to the self-dealing transactions maintained by a UC campus foundation that would otherwise be exempt from disclosure under subdivision (a) shall be disclosed.

(6) Any instance in which a volunteer or donor of a gift is awarded, within five years of the date of the service or gift, a contract from the university or UC campus foundation that was not subject to competitive bidding. In these circumstances, records pertaining to the service or gift maintained by the UC campus foundation that would otherwise be exempt from disclosure under paragraph (1) of subdivision (a) shall be disclosed.

92957. Any person may institute proceedings for injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of any record or class of records maintained by a UC campus foundation under this chapter. The times for responsive pleadings and for hearings in these proceedings shall be set by the judge of the court with the object of securing a decision as to these matters at the earliest possible time.

92958. (a) Whenever it is made to appear by verified petition to the superior court of the county where the records or some part thereof are situated that certain records maintained by a UC campus foundation are being improperly withheld from a member of the public, the court shall order the officer or person charged with withholding the records to disclose the record or show cause why he or she should not do so. The court shall decide the case after examining the record in camera, if permitted by subdivision (b) of Section 915 of the Evidence Code, papers filed by the parties, and any oral argument and additional evidence as the court may allow.

(b) If the court finds that a UC campus foundation official's decision to refuse disclosure is not justified under this chapter, he or she shall order the official to make the record public. If the judge determines that the official was justified in refusing to make the record public, he or she shall return the item to the official without disclosing its content with an order supporting the decision refusing disclosure.

(c) An order of the court, either directing disclosure by a UC campus foundation official or supporting the decision of the UC campus foundation official refusing disclosure, is not a final judgment or order within the meaning of Section 904.1 of the Code of Civil Procedure from which an appeal may be taken, but shall be

immediately reviewable by petition to the appellate court for the issuance of an extraordinary writ. Upon entry of any order pursuant to this section, a party shall, in order to obtain review of the order, file a petition within 20 days after service upon him or her of a written notice of entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow. If the notice is served by mail, the period within which to file the petition shall be increased by five days. A stay of an order or judgment shall not be granted unless the petitioning party demonstrates it will otherwise sustain irreparable damage and probable success on the merits. Any person who fails to obey the order of the court shall be cited to show cause why he or she is not in contempt of court.

(d) The court shall award court costs and reasonable attorney's fees to the plaintiff should the plaintiff prevail in litigation filed pursuant to this section. The costs and reasonable attorney's fees shall be paid by the UC campus foundation of which the official is a member or employee and shall not become a personal liability of the UC campus foundation official. If the court finds that the plaintiff's case is clearly frivolous, the court shall award court costs and reasonable attorney's fees to the UC campus foundation.

92959. (a) Notwithstanding any other provisions of law, and except as provided for in subdivision (c), whenever a UC campus foundation discloses a record it maintains that is otherwise exempt from this chapter, this disclosure shall constitute a waiver of the exemptions specified in this chapter with regard to that record.

(b) For purposes of this section, "UC campus foundation" includes a member, agent, volunteer, or officer of the UC campus foundation acting within the scope of his or her affiliation with a UC campus foundation.

(c) Subdivision (a) shall not apply to the following disclosures:

(1) Disclosures made to a donor or prospective donor with regard to that donor's donation or prospective donation to a UC campus foundation.

(2) Disclosures made to a volunteer or prospective volunteer with respect to that volunteer's services being provided to a UC campus foundation.

(3) Disclosures made through other legal proceedings or as otherwise required by law.

(4) Disclosures within the scope of a disclosure required by law that limits disclosure of specified writings to certain purposes.

(5) Disclosures described in subdivision (a) of Section 92956 to an auditor conducting an audit.

(6) Disclosures described in subdivision (a) of Section 92956 to a bank or similar financial institution in the course of ordinary financial transactions, or in response to a request from the bank or other financial institution relating to the ordinary delivery of financial services.

92960. Any provision in a contract entered into after the effective date of this chapter between a UC campus foundation and another party that would prevent the disclosure of information required to be disclosed pursuant to this chapter is void and unenforceable, and such a provision shall not justify a failure to comply with the requirements of this chapter.

92961. This chapter shall not apply to records subject to any request made pursuant to the California Public Records Act, as set forth in Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code.

EMAIL FROM ROBERT E. GRIFFIN (1/22/17)

Re: California Public Records Act Clean-Up — CLRC Study G-400

Barbara & Steve:

In 2011, the State Legislature enacted The *Richard McKee Transparency Act of 2011* -- SB 8 (Stats, 2011, c. 247, Sec 2.), adding Education Code Sections 89913 to 89919. This law has represented an awkward and largely unnecessarily detailed overlay of the CPRA. The auxiliary organizations under McKee struggle to reconcile its requirements with those under the CPRA used by the CSU and its campuses.

I urge you to give the McKee Act a close read and and consider its relationship to the CPRA.

The McKee Act represents precisely the *Chapter 150, Statutes of 2016* issues associated with the objectives of Study G-400. It is respectfully requested that staff urge the Commission to consider the McKee Act (as “related provisions”) requiring evaluation as part of Study G-400.

Please let me know if I can provide any additional background or supplemental information. Your reply to this email-request would be appreciated.

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