

First Supplement to Memorandum 2014-55

**State and Local Agency Access to Customer Information
from Communication Service Providers:
California Privacy Statutes**

In preparing Memorandum 2014-55, language was inadvertently omitted from the paragraph beginning on line 4 of page 19. That paragraph should read as follows:

Regardless of whether the Section 1524(c) special master procedure applies, records seized pursuant to a search warrant can still be sealed by the court and reviewed *in camera* to determine whether any of the seized material is privileged:

We conclude, based on the court's duty to safeguard disclosure of privileged material, its power to govern discovery of privileged materials and its power to control its orders so as to make them conform to law and justice, the court has the power to seal materials seized pursuant to a search warrant and, upon a claim of privilege, to conduct an *in camera* review of the allegedly privileged materials.¹

In other words, "[t]he attorney-client and work-product privileges should not be lost simply because the prosecution seeks discovery through execution of a search warrant rather than through a discovery motion."²

The staff regrets the error.

Respectfully submitted,

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Executive Director

1. PCS Geothermal Services Co. v. Superior Court, 25 Cal. App. 4th 1697, 1712 (1994).
2. *Id.* See also People v. Superior Ct., 25 Cal. 4th 703 (2001); People v. Superior Ct., 37 Cal. App. 4th 1757 (1995).