

Memorandum 2018-24

**California Public Records Act Clean-Up:
Cumulative Draft of Parts 1-3**

At the request of the Legislature, the Commission¹ is preparing a proposed recodification of the California Public Records Act (hereafter, "CPRA").²

This memorandum is intended to be primarily informational. It presents a draft of Parts 1 through 3 of that recodification much as they might appear in a tentative recommendation, incorporating all Commission decisions to date.³ The draft also includes a cumulative Disposition Table, a cumulative Derivation Table, a cumulative list of corrected cross-references, and a cumulative list of issues tentatively identified as "Minor Clean-Up Issues for Possible Future Legislative Attention."

In addition, this draft includes Article 3 of Chapter 2 of Part 2, which was inadvertently omitted from a previously-presented draft of Part 2.⁴ That article is shown in gray at pages 15-17 of the attached draft.

Commissioners should **review that article and consider the questions posed in the Staff Notes.**

Commissioners are also specifically encouraged to **review the drafts of proposed Sections 7922.700 ("enterprise system") and 7922.705 ("system of record")**, which implement the Commission's February decision regarding the proper location for those definitions.

1. 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. Gov't Code §§ 6250-6276.48.

3. Some revisions will still be necessary before this material is included in a tentative recommendation, such as replacement of the bracketed cross-references to CPRA provisions that have not yet been included in the proposed recodification.

4. See attachment to Memorandum 2017-60.

Written comments on any aspect of the attached draft are welcome before or after the upcoming meeting. There will also be an opportunity to comment orally at the meeting.

Respectfully submitted,

Steve Cohen
Staff Counsel

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DRAFT LEGISLATION

1  **Note.** This is a work in progress. The material shown below may be changed. For the current
2 tentative outline of new Division 10 of Title 1 of the Government Code, see CLRC Staff
3 Memorandum 2018-23.

4 A draft of an official Commission “Comment” follows each proposed code section in the
5 proposed recodification. Such Comments will be included in any final recommendation. The
6 Comments indicate the source of each recodified code section (or provision within the code
7 section) and describe how the recodified code section (or provision) compares with prior law.
8 Courts have routinely held that the Commission’s Comments are evidence of legislative intent
9 with regard to any legislation that implements a Commission recommendation.

10 There is a “disposition table” at the end of the proposed recodification. It summarizes, in
11 tabular form, the disposition of every provision of the existing code that has been included in this
12 proposed recodification.

13 There is also a “derivation table” at the end of the proposed recodification. It summarizes, in
14 tabular form, the statutory derivation of every new code provision in this proposed recodification.

15 Some provisions in this draft are followed by a “Note.” Most of the Notes are intended to be
16 temporary and will not be part of the Commission’s final recommendation. In general, the Notes
17 serve to flag issues requiring special attention or treatment.

18 Some provisions in this draft contain a bracketed reference to one or more existing code
19 sections. As new Division 10 is drafted, these references will be conformed to the new numbering
20 scheme.

21 In some places, it is necessary to refer to a section that has not yet been drafted. That is done by
22 referring to “Section 79xx.xxx.” The Commission will fill in these references as it drafts the
23 proposed recodification.

24 All of the proposed provisions would be located in the Government Code. All references are to
25 the Government Code unless otherwise indicated.

26 The Commission welcomes public comment on any issue relating to the content of this draft or
27 any other aspect of its ongoing CPRA Clean-Up study. Comments should be directed to Steve
28 Cohen (scohen@clrc.ca.gov) or Barbara Gaal (bgaal@clrc.ca.gov).

29 **Gov’t Code §§ 7920.000-79xx.xxx (added). California Public Records Act**

30 SEC. ____ . Division 10 (commencing with Section 7920.000) is added to the
31 Government Code, to read:

32 DIVISION 10. ACCESS TO PUBLIC RECORDS

33 PART 1. GENERAL PROVISIONS

34 CHAPTER 1. PRELIMINARY PROVISIONS

35 Article 1. Short Title

36 § 7920.000. California Public Records Act

37 7920.000. This division shall be known and may be cited as the California
38 Public Records Act.

1 **Comment.** Section 7920.000 continues former Section 6251 without substantive change. The
 2 California Public Records Act or “CPRA” was formerly codified as Chapter 3.5 (commencing
 3 with Section 6250) of Division 7 of this title.

4 For a similar law pertaining to federal agencies, see 5 U.S.C. § 552 (“Freedom of Information
 5 Act” or “FOIA”).

6 For a key constitutional provision on “access to information concerning the conduct of the
 7 people’s business,” see Cal. Const. art. I, § 3(b).

8 For guidance on access to legislative records, see Gov’t Code §§ 9070-9080 (“Legislative
 9 Open Records Act”). For discussion of provisions and doctrines governing access to judicial
 10 records, see, e.g., NBC Subsidiary (KNBC-TV), Inc. v. Superior Court, 20 Cal. 4th 1178, 980
 11 P.2d 330, 86 Cal. Rptr. 2d 778 (1999). For a law on access to the records of certain quasi-public
 12 entities, see Educ. Code §§ 72690-72701, 89913-89919, 92950-92961 (Richard McKee
 13 Transparency Act).

14 For guidance on record retention, see, e.g., Gov’t Code §§ 9080 (legislative records), 12220-
 15 12237 (State Archives), 14740-14746 (State Records Storage Act), 26201-26202.6 (county
 16 records), 34090-34090.8 (city records), 68150-68152 (trial court records). See also Gov’t Code
 17 §§ 12270-12279 (State Records Management Act).

18 Many other statutes and sources of law govern public records. For instance, the following
 19 statutes are located in Division 7 of this title, where the CPRA was formerly codified: Gov’t Code
 20 §§ 6200-6203 (crimes relating to public records, documents and certificates), 6204-6204.4 (public
 21 records protection and recovery), 6205-6210 (address confidentiality for victims of domestic
 22 violence, sexual assault, and stalking), 6215-6216 (address confidentiality for reproductive health
 23 care service providers, employees, volunteers, and patients), 6219 (governmental linguistics).

24 **§ 7920.005. CPRA Recodification Act of 2019**

25 7920.005. This division recodifies the provisions of former Chapter 3.5
 26 (commencing with Section 6250) of Division 7 of this title. The act that added this
 27 division shall be known and may be cited as the “CPRA Recodification Act of
 28 2019.”

29 **Comment.** Section 7920.005 provides a convenient means of referring to the recodification of
 30 former Sections 6250-6276.48. For background, see *California Public Records Act Clean-Up*, __
 31 Cal. L. Revision Comm’n Reports __ (2018).

32  **Note.** In drafting proposed Section 7920.005, the Commission assumed that it will approve a
 33 final recommendation in this study in 2018 and seek introduction of implementing legislation in
 34 2019. The dates in Section 7920.005 and the accompanying Comment will require adjustment if
 35 those assumptions prove incorrect.

36 **Article 2. Effect of Recodification**

37 **§ 7920.100. Nonsubstantive reform**

38 7920.100. Nothing in the CPRA Recodification Act of 2019 is intended to
 39 substantively change the law relating to inspection of public records. The act is
 40 intended to be entirely nonsubstantive in effect. Every provision of this division
 41 and every other provision of this act, including, without limitation, every cross-
 42 reference in every provision of the act, shall be interpreted consistent with the
 43 nonsubstantive intent of the act.

44 **Comment.** Section 7920.100 is modeled on Penal Code Section 16005. It makes clear that the
 45 CPRA Recodification Act of 2019 has no substantive impact. The act is intended solely to make

1 the California Public Records Act more user-friendly. For background, see *California Public*
 2 *Records Act Clean-Up*, __ Cal. L. Revision Comm’n Reports __ (2018).

3 For specific guidance on the impact of a judicial decision interpreting a predecessor of a
 4 provision in this division, see Section 7920.110. For specific guidance on the impact of an
 5 Attorney General opinion interpreting a predecessor of a provision in this division, see Section
 6 7920.115. For specific guidance on the impact of a judicial decision or Attorney General opinion
 7 assessing the constitutionality of a predecessor of a provision in this division, see Section
 8 7920.120.

9 See Sections 7920.005 (“CPRA Recodification Act of 2019”), 7920.525 (“public records”).

10 **§ 7920.105. Continuation of existing law**

11 7920.105. (a) A provision of this division, or any other provision of the CPRA
 12 Recodification Act of 2019, insofar as it is substantially the same as a previously
 13 existing provision relating to the same subject matter, shall be considered as a
 14 restatement and continuation thereof and not as a new enactment.

15 (b) A reference in a statute to a previously existing provision that is restated and
 16 continued in this division, or in any other provision of the CPRA Recodification
 17 Act of 2019, shall, unless a contrary intent appears, be deemed a reference to the
 18 restatement and continuation.

19 (c) A reference in a statute to a provision of this division, or any other provision
 20 of the CPRA Recodification Act of 2019, which is substantially the same as a
 21 previously existing provision, shall, unless a contrary intent appears, be deemed to
 22 include a reference to the previously existing provision.

23 **Comment.** Subdivision (a) of Section 7920.105 is similar to Section 2, which is a standard
 24 provision found in many codes. See, e.g., Bus. & Prof. Code § 2; Corp. Code § 2; Fam. Code § 2;
 25 Penal Code §§ 5, 16010(a); Prob. Code § 2(a); Veh. Code § 2.

26 Subdivision (b) is drawn from Section 9604 and Penal Code Section 16010(b).

27 Subdivision (c) is drawn from Family Code Section 2 and Penal Code Section 16010(c).

28 See Section 7920.005 (“CPRA Recodification Act of 2019”).

29 **§ 7920.110. Judicial decision interpreting former law**

30 7920.110. (a) A judicial decision interpreting a previously existing provision is
 31 relevant in interpreting any provision of this division, or any other provision of the
 32 CPRA Recodification Act of 2019, which restates and continues that previously
 33 existing provision.

34 (b) However, in enacting the CPRA Recodification Act of 2019, the Legislature
 35 has not evaluated the correctness of any judicial decision interpreting a provision
 36 affected by the act.

37 (c) The CPRA Recodification Act of 2019 is not intended to, and does not,
 38 reflect any assessment of any judicial decision interpreting any provision affected
 39 by the act.

40 **Comment.** Section 7920.110 is modeled on Penal Code Section 16020.

41 Subdivision (a) makes clear that case law construing a predecessor provision is relevant in
 42 construing its successor in the CPRA Recodification Act of 2019.

43 Subdivisions (b) and (c) make clear that in recodifying former Sections 6250-6276.48, the
 44 Legislature has not taken any position on any case interpreting any of those provisions.

1 For specific guidance on the impact of an Attorney General opinion interpreting a predecessor
2 of a provision in this division, see Section 7920.115. For specific guidance on the impact of a
3 judicial decision or Attorney General opinion assessing the constitutionality of a predecessor of a
4 provision in this division, see Section 7920.120. For general guidance on the nonsubstantive
5 impact of the CPRA Recodification Act of 2019, see Section 7920.100.

6 See Section 7920.005 (“CPRA Recodification Act of 2019”).

7 **§ 7920.115. Attorney General opinion interpreting former law**

8 7920.115. (a) An opinion of the Attorney General interpreting a previously
9 existing provision is relevant in interpreting any provision of this division, or any
10 other provision of the CPRA Recodification Act of 2019, which restates and
11 continues that previously existing provision.

12 (b) However, in enacting the CPRA Recodification Act of 2019, the Legislature
13 has not evaluated the correctness of any Attorney General opinion interpreting a
14 provision affected by the act.

15 (c) The CPRA Recodification Act of 2019 is not intended to, and does not,
16 reflect any assessment of any Attorney General opinion interpreting any provision
17 affected by the act.

18 **Comment.** Section 7920.115 is comparable to Section 7920.110, but it pertains to Attorney
19 General opinions rather than judicial decisions.

20 Subdivision (a) makes clear that Attorney General opinions construing a predecessor provision
21 are relevant in construing its successor in the CPRA Recodification Act of 2019.

22 Subdivisions (b) and (c) make clear that in recodifying former Sections 6250-6276.48, the
23 Legislature has not taken any position on any Attorney General opinion interpreting any of those
24 provisions.

25 For specific guidance on the impact of a judicial decision interpreting a predecessor of a
26 provision in this division, see Section 7920.110. For specific guidance on the impact of a judicial
27 decision or Attorney General opinion assessing the constitutionality of a predecessor of a
28 provision in this division, see Section 7920.120. For general guidance on the nonsubstantive
29 impact of the CPRA Recodification Act of 2019, see Section 7920.100.

30 See Section 7920.005 (“CPRA Recodification Act of 2019”).

31 **§ 7920.120. Constitutionality**

32 7920.120. (a) A judicial decision or Attorney General opinion on the
33 constitutionality of a previously existing provision is relevant in determining the
34 constitutionality of any provision of this division, or any other provision of the
35 CPRA Recodification Act of 2019, which restates and continues that previously
36 existing provision.

37 (b) However, in enacting the CPRA Recodification Act of 2019, the Legislature
38 has not evaluated the constitutionality of any provision affected by the act, or the
39 correctness of any judicial decision or Attorney General opinion on the
40 constitutionality of any provision affected by the act.

41 (c) The CPRA Recodification Act of 2019 is not intended to, and does not,
42 reflect any determination of the constitutionality of any provision affected by the
43 act.

- 1 (4) [Section 6254(d)]
- 2 (5) [Section 6254(e)]
- 3 (6) [Section 6254(f)]
- 4 (7) [Section 6254(g)]
- 5 (8) [Section 6254(h)]
- 6 (9) [Section 6254(i)]
- 7 (10) [Section 6254(j)]
- 8 (11) [Section 6254(k)]
- 9 (12) [Section 6254(l)]
- 10 (13) [Section 6254(m)]
- 11 (14) [Section 6254(n)]
- 12 (15) [Section 6254(o)]
- 13 (16) [Section 6254(p)]
- 14 (17) [Section 6254(q)]
- 15 (18) [Section 6254(r)]
- 16 (19) [Section 6254(s)]
- 17 (20) [Section 6254(t)]
- 18 (21) [Section 6254(u)(1)]
- 19 (22) [Section 6254(u)(2)]
- 20 (23) [Section 6254(u)(3)]
- 21 (24) [Section 6254(v)]
- 22 (25) [Section 6254(w)]
- 23 (26) [Section 6254(x)]
- 24 (27) [Section 6254(y)]
- 25 (28) [Section 6254(z)]
- 26 (29) [Section 6254(aa)]
- 27 (30) [Section 6254(ab)]
- 28 (31) [Section 6254(ac)]
- 29 (32) [Section 6254(ad)]
- 30 (33) [Section 6254 2d-to-last ¶]
- 31 (34) [Section 6254 last ¶]

32 (b) The provisions listed in subdivision (a) may be referred to as “former
33 Section 6254 provisions.”

34 **Comment.** Section 7920.500 is new. It provides a convenient means of referring to the
35 provisions that comprised former Section 6254.

36 For a disposition table showing where each provision in former Section 6254 was recodified,
37 as well as a derivation table showing the source of each provision in the CPRA Recodification of
38 2019, see *California Public Records Act Clean-Up*, __ Cal. L. Revision Comm’n Reports __
39 (2018).

40 See Section 7920.005 (“CPRA Recodification Act of 2019”).

41 **Notes.** (1) Proposed Section 7920.500 is modeled on several provisions in the Deadly
42 Weapons Recodification Act of 2010. See Penal Code §§ 16575 (“Former Article 4 of Chapter 1
43 provisions”), 16580 (“Former Chapter 1 provisions”), 16585 (“Former Section 12078
44 provisions”). It is included for drafting convenience.

1 The list of bracketed provisions is based on the Commission’s tentative outline, which shows
 2 how the Commission plans to divide up the substance of existing Section 6254 (an overly long
 3 provision that calls for reorganization). For purposes of preparing this list, the Commission has
 4 assumed that the various definitions scattered throughout Section 6254 will remain in proximity
 5 to the associated substantive material, instead of being placed in “Chapter 2. Definitions.” The
 6 Commission will make adjustments as necessary if that assumption later proves incorrect.

7 (2) The provisions on which proposed Section 7920.500 is modeled refer in several places to a
 8 range of code sections. For example, Penal Code Section 16585 (“former Section 12078
 9 provisions”) refers to “Sections 27400 to 27415, inclusive.”

10 There is possibility that in the future the Legislature will place a completely new provision in
 11 that range of code sections. For example, the Legislature might add a Penal Code Section
 12 27400.5, which does not derive from former Penal Code Section 12078.

13 To ensure that courts do not construe the defined term “former Section 12078 provisions” to
 14 include such new provisions, Penal Code Section 16585 is subject to an exception. See Penal
 15 Code Section 16585(a), (c). Similar language appears in the other Penal Code sections that served
 16 as models in drafting proposed Section 7920.500. See Penal Code Sections 16575(a), (c) &
 17 16580(a), (c).

18 If proposed Section 7920.500 ultimately refers to a range of code sections, it should be made
 19 subject to a similar exception. It is not yet clear whether this will be necessary.

20 **§ 7920.505. “Local agency”**

21 7920.505. As used in this division, “local agency” includes any of the following:

- 22 (a) A county.
- 23 (b) A city, whether general law or chartered.
- 24 (c) A city and county.
- 25 (d) A school district.
- 26 (e) A municipal corporation.
- 27 (f) A district.
- 28 (g) A political subdivision.
- 29 (h) Any board, commission, or agency of the foregoing.
- 30 (i) Another local public agency.
- 31 (j) An entity that is a legislative body of a local agency pursuant to subdivision
 32 (c) or (d) of Section 54952.

33 **Comment.** Section 7920.505 continues former Section 6252(a) without substantive change.

34 In subdivision (j), the erroneous reference to “subdivisions (c) *and* (d) of Section 54952 that
 35 appeared in former Section 6252(a) has been replaced with a reference to “subdivision (c) *or* (d)
 36 of Section 54952.” (Emphasis added.) This is a technical correction.

37 See Section 7920.520 (“public agency”).

38 **Note.** Existing Section 6252(a) includes as a local agency an entity that is a legislative body
 39 of a local agency pursuant to “subdivisions (c) *and* (d) of Section 54952.” (Emphasis added).

40 Those subdivisions provide:

41 54952. As used in this chapter, “legislative body” means:

42

43 (c)(1) A board, commission, committee, or other multimember body that governs a
 44 private corporation, limited liability company, or other entity that either:

45 (A) Is created by the elected legislative body in order to exercise authority that may
 46 lawfully be delegated by the elected governing body to a private corporation, limited
 47 liability company, or other entity.

1 (B) Receives funds from a local agency and the membership of whose governing body
 2 includes a member of the legislative body of the local agency appointed to that governing
 3 body as a full voting member by the legislative body of the local agency.

4 (2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission,
 5 committee, or other multimember body that governs a private corporation, limited liability
 6 company, or other entity that receives funds from a local agency and, as of February 9,
 7 1996, has a member of the legislative body of the local agency as a full voting member of
 8 the governing body of that private corporation, limited liability company, or other entity
 9 shall be relieved from the public meeting requirements of this chapter by virtue of a change
 10 in status of the full voting member to a nonvoting member.

11 (d) The lessee of any hospital the whole or part of which is first leased pursuant to
 12 subdivision (p) of Section 32121 of the Health and Safety Code after January 1, 1994,
 13 where the lessee exercises any material authority of a legislative body of a local agency
 14 delegated to it by that legislative body whether the lessee is organized and operated by the
 15 local agency or by a delegated authority.

16 Given the content of these provisions, it seems improbable that the Legislature intended to
 17 require an entity to satisfy the requirements of *both* subdivisions to qualify as a “local agency”
 18 under Section 6252(a). Proposed Section 7920.505(j) would continue this cross-reference as
 19 “subdivisions (c) *or* (d) of Section 54952.” (Emphasis added).

20 **The Commission welcomes input on any aspect of its proposed recodification, but would**
 21 **especially appreciate public comment on this revision.**

22 **§ 7920.510. “Member of the public”**

23 7920.510. As used in this division, “member of the public” means any person
 24 other than a member, agent, officer, or employee of a federal, state, or local
 25 agency who is acting within the scope of his or her membership, agency, office, or
 26 employment.

27 **Comment.** Section 7920.510 continues former Section 6252(b) without substantive change.
 28 See Sections 7920.505 (“local agency”), 7920.515 (“person”).

29 **§ 7920.515. “Person”**

30 7920.515. As used in this division, “person” includes any natural person,
 31 corporation, partnership, limited liability company, firm, or association.

32 **Comment.** Section 7920.515 continues former Section 6252(c) without substantive change.

33 **§ 7920.520. “Public agency”**

34 7920.520. (a) As used in this division, “public agency” means any state or local
 35 agency.

36 (b) As used in [Section 6254.18], “public agency” means an entity specified in
 37 [Section 6254.18(b)(3)].

38 **Comment.** Subdivision (a) of Section 7920.520 continues former Section 6252(d) without
 39 substantive change.

40 Subdivision (b) is new. It is intended to help persons locate the special definition of “public
 41 agency” that applies to [Section 6254.18].

42 See Sections 7920.505 (“local agency”), 7020.535 (“state agency”).

43 **Note.** Existing Section 6252(d) defines “public agency” for purposes of the entire CPRA. In
 44 addition, existing Section 6254.18 contains the following special definition of “public agency”:

1 6254.18....

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

3

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

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

6 (B) The Department of Consumer Affairs.

7 (C) The Department of Managed Health Care.

8 (D) The State Department of Public Health.

9 Most likely, this special definition of “public agency” should remain in close proximity to the
10 substantive material to which it applies (i.e., the substance of existing Section 6254.18). The
11 Commission acted on that assumption in drafting proposed Section 7920.520(b), which is a
12 “signpost provision,” designed to alert readers to the special definition of “public agency” and
13 help them find it.

14 Later in this study, the Commission will prepare a draft of one or more provisions that would
15 continue the substance of existing Section 6254.18. At that time, it will revisit Section 6254.18’s
16 special definition of “public agency” and fully evaluate where to place that definition: In close
17 proximity to the substantive material to which it applies, or in the chapter entitled “Definitions.”

18 **§ 7920.525. “Public records”**

19 7920.525. (a) As used in this division, “public records” includes any writing
20 containing information relating to the conduct of the public’s business prepared,
21 owned, used, or retained by any state or local agency regardless of physical form
22 or characteristics.

23 (b) “Public records” in the custody of, or maintained by, the Governor’s office
24 means any writing prepared on or after January 6, 1975.

25 **Comment.** Section 7920.525 continues former Section 6252(e) without substantive change.
26 See Sections 7920.505 (“local agency”), 7920.535 (“state agency”), 7920.540 (“writing”).

27 **§ 7920.530. “Public safety official”**

28 7920.530. As used in this division, “public safety official” means the following
29 parties, whether active or retired:

30 (a) A peace officer as defined in Sections 830 to 830.65, inclusive, of the Penal
31 Code, or a person who is not a peace officer, but may exercise the powers of arrest
32 during the course and within the scope of their employment pursuant to Section
33 830.7 of the Penal Code.

34 (b) A public officer or other person listed in Section 1808.2 or 1808.6 of the
35 Vehicle Code.

36 (c) An “elected or appointed official” as defined in [subdivision (f) of Section
37 6254.21].

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

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

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

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

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

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

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

11 (k) An employee of the Attorney General, a district attorney, or a public
 12 defender who submits verification from the Attorney General, district attorney, or
 13 public defender that the employee represents the Attorney General, district
 14 attorney, or public defender in matters that routinely place that employee in
 15 personal contact with persons under investigation for, charged with, or convicted
 16 of, committing criminal acts.

17 (l) A nonsworn employee of the Department of Justice or a police department or
 18 sheriff’s office that, in the course of employment, is responsible for collecting,
 19 documenting, and preserving physical evidence at crime scenes, testifying in court
 20 as an expert witness, and other technical duties, and a nonsworn employee that, in
 21 the course of employment, performs a variety of standardized and advanced
 22 laboratory procedures in the examination of physical crime evidence, determines
 23 their results, and provides expert testimony in court.

24 **Comment.** Section 7920.530 continues former Section 6254.24 without substantive change.

25 In subdivision (b), the erroneous reference to “Sections 1808.2 *and* 1808.6 of the Vehicle
 26 Code” that appeared in former Section 6254.24(b) has been replaced with a reference to “Section
 27 1808.2 *or* 1808.6 of the Vehicle Code.” (Emphasis added.) This is a technical correction.

28 In subdivision (g), the erroneous phrase “*and* a local juvenile hall, camp, ranch, or home” that
 29 appeared in former Section 6254.24(g) has been replaced with the phrase “*or* a local juvenile hall,
 30 camp, ranch, or home.” (Emphasis added.) This is a technical correction.

31 See Section 7920.515 (“person”).

32 **Notes.** (1) Existing Section 6254.24(b) includes as a public safety official a public officer or
 33 other person listed in “Sections 1808.2 *and* 1808.6 of the Vehicle Code.” (Emphasis added).

34 The cross-referenced Vehicle Code sections provide:

35 1808.2. In addition to those specified in Section 1808.4, the home address of any
 36 inspector or investigator regularly employed and paid as such in the office of a district
 37 attorney or any peace officer employee of the Board of Prison Terms appearing in any
 38 record of the department is confidential.

39 1808.6. (a) In addition to those specified in Section 1808.4, the home address of any of
 40 the following persons, that appears in any record of the department, is confidential, if the
 41 person requests the confidentiality of that information:

42 (1) The chairperson, executive officer, commissioners, and deputy commissioners of
 43 the Board of Prison Terms.

44 (2) The chairperson, members, executive director, and hearing representatives of the
 45 Youthful Offender Parole Board.

46 (3) The spouse or children of persons listed in this section, regardless of the spouse’s or

1 child’s place of residence.

2 (b) The confidential home address of any of the persons listed in subdivision (a) shall
 3 not be disclosed to any person, except a court, a law enforcement agency, the State Board
 4 of Equalization, or any governmental agency to which, under any provision of law,
 5 information is required to be furnished from records maintained by the department.

6 (c) Any record of the department containing a confidential home address shall be open
 7 to public inspection, as provided in Section 1808, if the address is completely obliterated or
 8 otherwise removed from the record. The home address shall be withheld from public
 9 inspection for three years following termination of office or employment, except with
 10 respect to retired peace officers, whose home addresses shall be withheld from public
 11 inspection permanently upon request of confidentiality at the time the information would
 12 otherwise be opened. The department shall inform any person who requests a confidential
 13 home address of the name of the agency that employs the individual whose address was
 14 requested.

15 Given the content of these provisions, it seems improbable that the Legislature intended to
 16 require a person to be listed in *both* of the Vehicle Code provisions to qualify as a “public safety
 17 official” within the meaning of Section 6254.24. In all likelihood, the cross-reference to “Sections
 18 1808.2 *and* 1808.6 of the Vehicle Code” should be replaced by a reference to “Section 1808.2 *or*
 19 1808.6 of the Vehicle Code.” Proposed Section 7920.530(b) would take that approach.

20 **The Commission welcomes input on any aspect of its proposed recodification, but would**
 21 **especially appreciate public comment on this revision.**

22 (2) Existing Section 6254.24(g) includes as a public safety official an employee “who
 23 supervises inmates in a city police department, a county sheriff’s office, the Department of the
 24 California Highway Patrol, federal, state, or a local detention facility, *and* a local juvenile hall,
 25 camp, ranch, or home....” (Emphasis added).

26 It seems improbable that the Legislature intended this provision to include as a “public safety
 27 official” only an employee who supervises inmates in one of the enumerated facilities for adults
 28 *and* in one of the enumerated facilities for juveniles. Proposed Section 7920.530(g) would refer
 29 instead to an employee “who supervises inmates in a city police department, a county sheriff’s
 30 office, the Department of the California Highway Patrol, federal, state, or a local detention
 31 facility, *or* a local juvenile hall, camp, ranch, or home....” (Emphasis added).

32 **The Commission welcomes input on any aspect of its proposed recodification, but would**
 33 **especially appreciate public comment on this revision.**

34 (3) Existing Section 6254.24(g) also includes as a public safety official “a probation officer as
 35 defined in Section 830.5 of the Penal Code.” Although Penal Code Section 830.5 refers
 36 generically to a “probation officer,” the section does not define nor in any way clarify the
 37 meaning of the term. The term is also used in many other code sections without any definition.
 38 For further discussion of this point, see CLRC Staff Memorandum 2017-50, pp. 8-10.

39 **The Commission welcomes input on any aspect of its proposed recodification, but would**
 40 **especially appreciate public comment on whether the phrase “as defined in Section 830.5 of**
 41 **the Penal Code” should be retained in proposed Section 7920.530(g).**

42
 43 **§ 7920.535. “State agency”**

44 7920.535. (a) As used in this division, “state agency” means every state office,
 45 officer, department, division, bureau, board, and commission or other state body or
 46 agency, except those agencies provided for in Article IV (except Section 20
 47 thereof) or Article VI of the California Constitution.

1 (b) Notwithstanding subdivision (a) or any other law, “state agency” also means
2 the State Bar of California, as described in Section 6001 of the Business and
3 Professions Code.

4 **Comment.** Section 7920.535 continues former Section 6252(f) without substantive change.

5 **Note.** Existing Section 6252(f) refers to “the State Bar of California, as described in Section
6 6001 of the Business and Professions Code.” Proposed Section 7920.535(b) would include the
7 same phrase, but legislation to restructure the State Bar was recently enacted. See 2017 Cal. Stat.
8 ch. 422 (SB 36 (Jackson)). Because this is a strictly nonsubstantive study on an unrelated topic,
9 the Commission has not assessed whether the substance of Section 6252(f) requires revisions to
10 reflect the restructuring of the State Bar. If legislation to make such revisions is introduced, it
11 could be coordinated with the Commission’s proposal as needed to make sure that nothing is
12 chaptered out. See Gov’t Code § 9605.

13 **§ 7920.540. “Writing”**

14 7920.540. As used in this division, “writing” means any handwriting,
15 typewriting, printing, photostating, photographing, photocopying, transmitting by
16 electronic mail or facsimile, and every other means of recording upon any tangible
17 thing any form of communication or representation, including letters, words,
18 pictures, sounds, or symbols, or combinations thereof, and any record thereby
19 created, regardless of the manner in which the record has been stored.

20 **Comment.** Section 7920.540 continues former Section 6252(g) without substantive change.

21 **PART 2. DISCLOSURE AND EXEMPTIONS**
22 **GENERALLY**

23 **CHAPTER 1. RIGHT OF ACCESS TO PUBLIC RECORDS**

24 **§ 7921.000. Legislative findings and declarations**

25 7921.000. In enacting this division, the Legislature, mindful of the right of
26 individuals to privacy, finds and declares that access to information concerning the
27 conduct of the people’s business is a fundamental and necessary right of every
28 person in this state.

29 **Comment.** Section 7921.000 continues former Section 6250 without substantive change.
30 See Section 7920.515 (“person”).

31 **§ 7921.005. Control of disclosure of information by another party**

32 7921.005. A state or local agency may not allow another party to control the
33 disclosure of information that is otherwise subject to disclosure pursuant to this
34 division.

35 **Comment.** Section 7921.005 continues former Section 6253.3 without substantive change.
36 See Sections 7920.505 (“local agency”), 7920.535 (“state agency”).

1 **§ 7921.010. Providing public record to private entity**

2 7921.010. (a) Notwithstanding any other provision of law, no state or local
3 agency shall sell, exchange, furnish, or otherwise provide a public record subject
4 to disclosure pursuant to this division to a private entity in a manner that prevents
5 a state or local agency from providing the record directly pursuant to this division.

6 (b) Nothing in this section requires a state or local agency to use the State
7 Printer to print public records.

8 (c) Nothing in this section prevents the destruction of a public record pursuant to
9 law.

10 (d) This section shall not apply to contracts entered into prior to January 1, 1996,
11 between the County of Santa Clara and a private entity, for the provision of public
12 records subject to disclosure under this division.

13 **Comment.** Section 7921.010 continues former Section 6270 without substantive change.

14 See Sections 7920.505 (“local agency”), 7920.525 (“public records”), 7920.535 (“state
15 agency”).

16 CHAPTER 2. GENERAL RULES GOVERNING DISCLOSURE

17 Article 1. Nondiscrimination

18 **§ 7921.300. Prohibition on limitation of access based on purpose of request**

19 7921.300. This division does not allow limitations on access to a public record
20 based upon the purpose for which the record is being requested, if the record is
21 otherwise subject to disclosure.

22 **Comment.** Section 7921.300 continues former Section 6257.5 without substantive change.

23 See Section 7920.525 (“public records”).

24 **§ 7921.305. Access by elected member or officer of agency**

25 7921.305. (a) Notwithstanding the definition of “member of the public” in
26 Section 7920.510, an elected member or officer of any state or local agency is
27 entitled to access to public records of that agency on the same basis as any other
28 person. Nothing in this section shall limit the ability of elected members or
29 officers to access public records permitted by law in the administration of their
30 duties.

31 (b) This section does not constitute a change in, but is declaratory of, existing
32 law.

33 **Comment.** Section 7921.305 continues former Section 6252.5 without substantive change.

34 See Sections 7920.505 (“local agency”), 7920.515 (“person”), 7920.525 (“public records”),
35 7920.535 (“state agency”).

36 **§ 7921.310. Nondiscrimination by local agency in disclosure to members of local legislative**
37 **body**

38 7921.310. Notwithstanding Section 7921.305 or any other provision of law,
39 when the members of a legislative body of a local agency are authorized to access

1 a writing of the body or of the agency as permitted by law in the administration of
2 their duties, the local agency, as defined in Section 54951, shall not discriminate
3 between or among any of those members as to which writing or portion thereof is
4 made available or when it is made available.

5 **Comment.** Section 7921.310 continues former Section 6252.7 without substantive change.

6 See Section 7920.525 (“writing”). See also Section 7920.505 (“local agency”); but see Section
7 54951 (“local agency”).

8 **Note.** The Commission identified what appears to be a minor clean-up issue relating to
9 existing Section 6252.7. See the attached list of “Minor Clean-Up Issues for Possible Future
10 Legislative Attention.” Because this is a strictly nonsubstantive study, the Commission did not
11 attempt to address that issue in drafting proposed Section 7921.310.

12 Article 2. Voluntary Disclosure

13 § 7921.500. Voluntary disclosure by agency

14 7921.500. Unless disclosure is otherwise prohibited by law, the provisions listed
15 in Section 7920.500 do not prevent any agency from opening its records
16 concerning the administration of the agency to public inspection.

17 **Comment.** Section 7921.500 continues the next-to-last paragraph of former Section 6254
18 without substantive change.

19 See Section 7920.500 (“former Section 6254 provisions”).

20 § 7921.505. Waiver of exemption based on disclosure

21 7921.505. (a) Notwithstanding any other law, if a state or local agency discloses
22 to a member of the public a public record that is otherwise exempt from this
23 division, this disclosure constitutes a waiver of the exemptions specified in:

24 (1) The provisions listed in Section 7920.500.

25 (2) [Section 6254.7].

26 (3) Other similar provisions of law.

27 (b) This section, however, does not apply to any of the following disclosures:

28 (1) A disclosure made pursuant to the Information Practices Act (Chapter 1
29 commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil
30 Code) or a discovery proceeding.

31 (2) A disclosure made through other legal proceedings or as otherwise required
32 by law.

33 (3) A disclosure within the scope of disclosure of a statute that limits disclosure
34 of specified writings to certain purposes.

35 (4) A disclosure not required by law, and prohibited by formal action of an
36 elected legislative body of the local agency that retains the writing.

37 (5) A disclosure made to a governmental agency that agrees to treat the
38 disclosed material as confidential. Only persons authorized in writing by the
39 person in charge of the agency shall be permitted to obtain the information. Any
40 information obtained by the agency shall only be used for purposes that are
41 consistent with existing law.

1 (6) A disclosure of records relating to a financial institution or an affiliate
2 thereof, if the disclosure is made to the financial institution or affiliate by a state
3 agency responsible for regulation or supervision of the financial institution or
4 affiliate.

5 (7) A disclosure of records relating to a person who is subject to the jurisdiction
6 of the Department of Business Oversight, if the disclosure is made to the person
7 who is the subject of the records for the purpose of corrective action by that
8 person, or, if a corporation, to an officer, director, or other key personnel of the
9 corporation for the purpose of corrective action, or to any other person to the
10 extent necessary to obtain information from that person for the purpose of an
11 investigation by the Department of Business Oversight.

12 (8) A disclosure made by the Commissioner of Business Oversight under
13 Section 450, 452, 8009, or 18396 of the Financial Code.

14 (9) A disclosure of records relating to a person who is subject to the jurisdiction
15 of the Department of Managed Health Care, if the disclosure is made to the person
16 who is the subject of the records for the purpose of corrective action by that
17 person, or, if a corporation, to an officer, director, or other key personnel of the
18 corporation for the purpose of corrective action, or to any other person to the
19 extent necessary to obtain information from that person for the purpose of an
20 investigation by the Department of Managed Health Care.

21 **Comment.** Subdivision (a) of Section 7921.505 continues the first sentence of former Section
22 6254.5 without substantive change.

23 Subdivision (b) continues former Section 6254.5(a)-(i) without substantive change.

24 See Sections 7920.300 (“agency”), 7920.500 (“former Section 6254 provisions”), 7920.505
25 (“local agency”), 7920.510 (“member of the public”), 7920.515 (“person”), 7920.525 (“public
26 records”), 7920.535 (“state agency”), 7920.540 (“writing”).

27  **Note.** The Commission identified what appear to be some minor clean-up issues relating to
28 existing Section 6254.5. See the attached list of “Minor Clean-Up Issues for Possible Future
29 Legislative Attention.” Because this is a strictly nonsubstantive study, the Commission did not
30 attempt to address those issues in drafting proposed Section 7921.505.

31 Article 3. Disclosure to District Attorney and Related Matters

32 § 7921.700. Inspection or copying of public record by district attorney

33 7921.700. A state or local agency shall allow an inspection or copying of any
34 public record or class of public records not exempted by this division when
35 requested by a district attorney.

36 **Comment.** Section 7921.700 continues former Section 6263 without substantive change.

37 For guidance on enforcement of a district attorney’s right to inspect or copy public records, see
38 Section 7921.705. For a special rule governing a request by a district attorney for records of a
39 complaint to, or an investigation conducted by, a state or local agency for licensing purposes, see
40 [Section 6262].

41 See Sections 7920.505 (“local agency”), 7920.525 (“public records”), 7920.535 (“state
42 agency”).

1 **Staff Notes.** (1) The Comment to proposed Section 7921.700 contains a bracketed cross-
2 reference to Section 6262. The staff has not yet drafted a provision that would continue the
3 substance of Section 6262. After we do so, we will replace the bracketed cross-reference with a
4 cross-reference to the corresponding new provision.

5 (2) Subject to various limitations, Section 6254(f) creates a CPRA exemption for:

6 Records of complaints to, or investigations conducted by, or records of intelligence
7 information or security procedures of, the office of the Attorney General and the
8 Department of Justice, the Office of Emergency Services and any state or local police
9 agency, or any investigatory or security files compiled by any other state or local police
10 agency, or any investigatory or security files compiled by any other state or local agency
11 for correctional, law enforcement, or licensing purposes.

12 That exemption (commonly known as the “law enforcement exemption”) is subject to an
13 exception pertaining to a request by a district attorney. Section 6262 provides:

14 6262. The exemption of records of complaints to, or investigations conducted by, any
15 state or local agency for licensing purposes under subdivision (f) of Section 6254 shall not
16 apply when a request for inspection of such records is made by a district attorney.

17 The staff considered the possibility of recodifying that exception in “Article 3. Disclosure to
18 District Attorney and Related Matters.” It seemed more helpful, however, to place the exception
19 in close proximity to the CPRA exemption to which it pertains — i.e., in close proximity to the
20 provision(s) that would continue the substance of Section 6254(f). That is the approach taken in
21 the Commission’s tentative outline. See Memorandum 2018-23, Attachment p. 6.

22 Because the exception specifically applies to a district attorney, however, the Comment to
23 proposed Section 7921.700 would refer to it. That should help alert readers to the existence of the
24 exception.

25 **Comments on this approach would be helpful.**

26 **§ 7921.705. Enforcement of district attorney’s right to inspect or copy**

27 7921.705. (a) If a district attorney makes a request to a state or local agency to
28 inspect or receive a copy of a public record or class of public records not
29 exempted by this division, and the state or local agency fails or refuses to allow
30 inspection or copying within 10 working days of that request, the district attorney
31 may petition a court of competent jurisdiction to require the state or local agency
32 to allow the requested inspection or copying.

33 (b) Unless the public interest or good cause in withholding the requested records
34 clearly outweighs the public interest in disclosure, the court may require the public
35 agency to allow the district attorney to inspect or copy those records.

36 **Comment.** Section 7921.705 continues former Section 6264 without substantive change.

37 See Sections 7920.505 (“local agency”), 7920.525 (“public records”), 7920.535 (“state
38 agency”).

39 **Staff Notes.** (1) Section 6264 provides:

40 6264. The district attorney may petition a court of competent jurisdiction to require a
41 state or local agency to allow him to inspect or receive a copy of any public record or class
42 of public records not exempted by this chapter when the agency fails or refuses to allow
43 inspection or copying within 10 working days of a request. The court may require a public
44 agency to permit inspection or copying by the district attorney unless the public interest or
45 good cause in withholding such records clearly outweighs the public interest in
46 disclosure.

1 To make the section gender neutral and improve clarity and readability, the staff made some
2 stylistic revisions in drafting proposed Section 7921.705.

3 (2) Section 6264 says that a district attorney “may petition *a court of competent jurisdiction*
4” (Emphasis added.) The reference to “a court of competent jurisdiction” is superfluous,
5 because it is always necessary to file a petition in a court of competent jurisdiction.

6 The phrase is probably a relic from when California had several types of trial courts, with
7 differing jurisdictional rules (superior courts, municipal courts, and justice courts). Now that the
8 state has a unified trial court system (municipal and justice courts no longer exist and superior
9 courts have broad jurisdiction), a statutory reminder to file in a court of competent jurisdiction is
10 less necessary.

11 In perhaps an excess of caution, the staff nonetheless retained the phrase “court of competent
12 jurisdiction” in drafting proposed Section 7921.705, which would continue the substance of
13 Section 6264. Should it be deleted in the interest of simplification?

14 **Comments on this point would be helpful.**

15 **§ 7921.710. Effect of disclosure to district attorney**

16 7921.710. Disclosure of records to a district attorney under the provisions of this
17 division shall effect no change in the status of the records under any other
18 provision of law.

19 **Comment.** Section 7921.710 continues former Section 6265 without substantive change.

20 CHAPTER 3. GENERAL RULES GOVERNING EXEMPTIONS FROM DISCLOSURE

21 Article 1. Justification for Withholding of Record

22 **§ 7922.000. Justification for withholding of record**

23 7922.000. An agency shall justify withholding any record by demonstrating that
24 the record in question is exempt under express provisions of this division, or that
25 on the facts of the particular case the public interest served by not disclosing the
26 record clearly outweighs the public interest served by disclosure of the record.

27 **Comment.** Section 7922.000 continues former Section 6255(a) without substantive change.

28 Article 2. Truncation of Social Security Numbers and Related Matters

29 **§ 7922.200. Redaction of SSN by local agency**

30 7922.200. (a) It is the intent of the Legislature that, in order to protect against
31 the risk of identity theft, a local agency shall redact social security numbers from a
32 record before disclosing the record to the public pursuant to this division.

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

35 (c) This section does not apply to a record maintained by a county recorder.

36 **Comment.** Section 7922.200 continues former Section 6254.29 without substantive change.
37 See Section 7920.505 (“local agency”).

1 § 7922.205. Truncation of SSN by county recorder

2 7922.205. Nothing in this division shall be construed to require the disclosure by
3 a county recorder of any “official record,” if a “public record” version of that
4 record is available pursuant to Article 3.5 (commencing with Section 27300) of
5 Chapter 6 of Part 3 of Division 2 of Title 3.

6 **Comment.** Section 7922.205 continues former Section 6254.27 without substantive change.

7 § 7922.210. Truncation of SSN with regard to secured transaction

8 7922.210. Nothing in this division shall be construed to require the disclosure by
9 a filing office of any “official filing,” if a “public filing” version of that record is
10 available pursuant to Section 9526.5 of the Commercial Code.

11 **Comment.** Section 7922.210 continues former Section 6254.28 without substantive change.

12 The erroneous references to an “official record” and a “public record” in former Section
13 6254.28 have been replaced with references to an “official filing” and a “public filing,”
14 respectively, to conform to the terminology used in Commercial Code Section 9526.5. This is a
15 technical correction.

16 **Note.** The provision cross-referenced in Section 6254.28 does not refer to either an “official
17 record” or a “public record,” despite the inference to the contrary in Section 6254.28. Instead,
18 Commercial Code Section 9526.5 refers to and defines an “official filing” and a “public filing”:

19
20 9526.5. (a) For purposes of this section, the following terms have the following
21 meanings:

22 (1) “Official filing” means the permanent archival filing of all instruments, papers,
23 records, and attachments as accepted for filing by a filing office.

24 (2) “Public filing” means a filing that is an exact copy of an official filing except that
25 any social security number contained in the copied filing is truncated. The public filing
26 shall have the same legal force and effect as the official filing. ...

27 This slight disconnect in terminology probably stems from Section 6254.27 (proposed Section
28 7922.205), which concerns disclosure of a record in the possession of a county recorder. The
29 article cross-referenced in that adjacent, very similar section *does* refer to both an “official
30 record” and a “public record.”

31 Proposed Section 7922.210 would make nonsubstantive revisions to Section 6254.28 to
32 conform to the terminology used in the cross-referenced code section, by (1) replacing the term
33 “official record” with “official filing” and (2) replacing the term “public record” with “public
34 filing.”

35 **The Commission welcomes input on any aspect of its proposed recodification, but would
36 especially appreciate public comment on this revision.**

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PART 3. PROCEDURES

CHAPTER 1. REQUEST FOR A PUBLIC RECORD

Article 1. General Principles

§ 7922.500. No delay or obstruction

7922.500. Nothing in this division shall be construed to permit an agency to delay or obstruct the inspection or copying of public records.

Comment. Section 7922.500 continues the first sentence of former Section 6253(d) without substantive change.

See Section 7920.525 (“public records”).

§ 7922.505. Option to adopt requirements that allow faster, more efficient, or greater access than minimum standards

7922.505. Except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this division.

Comment. Section 7922.505 continues former Section 6253(e) without substantive change.

See Sections 7920.505 (“local agency”), 7920.535 (“state agency”).

Article 2. Procedural Requirements Generally

§ 7922.525. Inspection of public record

7922.525. (a) Public records are open to inspection at all times during the office hours of a state or local agency and every person has a right to inspect any public record, except as otherwise provided.

(b) Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

Comment. Subdivision (a) of Section 7922.525 continues the first sentence of former Section 6253(a) without substantive change.

Subdivision (b) continues the second sentence of former Section 6253(a) without change.

For an agency’s duty to assist a person in making a focused and effective record request, see Section 7922.600. For guidance on obtaining a copy of a public record, see Section 7922.530.

See also Sections 7921.000-7922.210 (disclosure and exemptions generally), 7922.535 (time to respond), 7922.540 (denial of request), 7922.545 (posting of public record on agency’s Internet Web site), 7922.570 (disclosure of information in electronic format), 7922.640 (limitations on guidelines & regulations).

See Sections 7920.505 (“local agency”), 7920.515 (“person”), 7920.525 (“public records”), 7920.535 (“state agency”).

§ 7922.530. Copy of public record

7922.530. Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of

1 records that reasonably describes an identifiable record or records, shall make the
2 records promptly available to any person upon payment of fees covering direct
3 costs of duplication, or a statutory fee if applicable. Upon request, an exact copy
4 shall be provided unless impracticable to do so.

5 **Comment.** Section 7922.530 continues former Section 6253(b) without change.

6 For an agency's duty to assist a person in making a focused and effective record request, see
7 Section 7922.600. For guidance on inspection of a public record, see Section 7922.525.

8 See also Sections 7921.000-7922.210 (disclosure and exemptions generally), 7922.535 (time to
9 respond), 7922.540 (denial of request), 7922.545 (posting of public record on agency's Internet
10 Web site), 7922.570 (disclosure of information in electronic format), 7922.640 (limitations on
11 guidelines & regulations).

12 See Sections 7920.505 ("local agency"), 7920.515 ("person"), 7920.525 ("public records"),
13 7920.535 ("state agency").

14 **§ 7922.535. Time to respond**

15 7922.535. (a) Each agency, upon a request for a copy of records, shall, within 10
16 days from receipt of the request, determine whether the request, in whole or in
17 part, seeks copies of disclosable public records in the possession of the agency and
18 shall promptly notify the person making the request of the determination and the
19 reasons therefor. If the agency determines that the request seeks disclosable public
20 records, the agency shall also state the estimated date and time when the records
21 will be made available.

22 (b) In unusual circumstances, the time limit prescribed in this article and Article
23 1 (commencing with Section 7922.500) may be extended by written notice from
24 the head of the agency or a designee to the person making the request, setting forth
25 the reasons for the extension and the date on which a determination is expected to
26 be dispatched. No notice shall specify a date that would result in an extension for
27 more than 14 days.

28 (c) As used in this section, "unusual circumstances" means the following, but
29 only to the extent reasonably necessary to the proper processing of the particular
30 request:

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

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

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

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

41 **Comment.** Subdivision (a) of Section 7922.535 continues the first and fourth sentences of
42 former Section 6253(c) without substantive change.

43 Subdivision (b) continues the second and third sentences of former Section 6253(c) without
44 substantive change.

1 Subdivision (c) continues the fifth sentence of former Section 6253(c) without change.
2 For further guidance on the timing of an agency’s response to a record request, see Section
3 7922.500 (no delay or obstruction).
4 See Sections 7920.515 (“person”), 7920.525 (“public records”).

5 **§ 7922.540. Denial of request**

6 7922.540. (a) A response to a written request for inspection or copies of public
7 records that includes a determination that the request is denied, in whole or in part,
8 shall be in writing.

9 (b) The notification of denial shall set forth the names and titles or positions of
10 each person responsible for the denial.

11 (c) An agency shall justify withholding any record by complying with Section
12 7922.000.

13 **Comment.** Subdivision (a) of Section 7922.540 continues former Section 6255(b) without
14 change.

15 Subdivision (b) continues the second sentence of former Section 6253(d) without substantive
16 change.

17 Subdivision (c) is new. It is a nonsubstantive signpost provision, included simply to alert
18 readers to the requirements of Section 7922.000 (justification for withholding of record).

19 For further guidance on denial of a record request, see Sections 7921.000-7922.210 (disclosure
20 & exemptions generally), 79xx.xxx-79xx.xxx (specific types of public records), 79xx.xxx-
21 79xx.xxx (other exemptions from disclosure).

22 See Sections 7920.515 (“person”), 7920.540 (“writing”).

23 **§ 7922.545. Posting public record on agency’s Internet Web site**

24 7922.545. (a) In addition to maintaining public records for public inspection
25 during its office hours, a public agency may comply with Section 7922.525 by
26 posting any public record on its Internet Web site and, in response to a request for
27 a public record posted on the Internet Web site, directing a member of the public
28 to the location on the Internet Web site where the public record is posted.

29 (b) However, if after the public agency directs a member of the public to the
30 Internet Web site, the member of the public requesting the public record requests a
31 copy of the public record due to an inability to access or reproduce the public
32 record from the Internet Web site, the public agency shall promptly provide a copy
33 of the public record pursuant to Section 7922.530.

34 **Comment.** Subdivision (a) of Section 7922.545 continues the first sentence of former Section
35 6253(f) without substantive change.

36 Subdivision (b) continues the second sentence of former Section 6253(f) without substantive
37 change.

38 For further guidance on agency websites, see Sections 7922.680 (formatting of record that
39 local agency posts on Internet Resource), 7922.705 (posting catalog of enterprise systems on
40 local agency’s website). See also Section 7922.520 (disclosure of information in electronic
41 format).

42 See Sections 7920.510 (“member of the public”), 7920.520 (“public agency”), 7920.525
43 (“public records”).

1

Article 3. Information in Electronic Format

2 **§ 7922.570. Disclosure of information in electronic format**

3 7922.570. (a) Unless otherwise prohibited by law, any agency that has
4 information that constitutes an identifiable public record not exempt from
5 disclosure pursuant to this division that is in an electronic format shall make that
6 information available in an electronic format when requested by any person.

7 (b) When applicable, the agency shall do the following:

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

10 (2) The agency shall provide a copy of an electronic record in the format
11 requested if the requested format is one that the agency has used to create copies
12 for its own use or for provision to other agencies.

13 (c) If a request is for information in other than electronic format, and the
14 information also is in electronic format, an agency may inform the requester that
15 the information is available in electronic format.

16 **Comment.** Subdivision (a) of Section 7922.570 continues the first part of the introductory
17 clause of former Section 6253.9 without substantive change.

18 Subdivision (b) continues paragraph (a)(1), the first sentence of paragraph (a)(2), and the
19 second part of the introductory clause of former Section 6253.9 without substantive change.

20 Subdivision (c) continues former Section 6253.9(d) without substantive change.

21 For guidance on the cost of duplicating an electronic record, see Section 7922.575. For
22 limitations on the application of this article, see Section 7922.580.

23 For guidance regarding agency websites, see Sections 7922.545 (posting public record on
24 agency's Internet Web site), 7922.680 (formatting of record that local agency posts on Internet
25 Resource).

26 See Sections 7920.515 ("person"), 7920.525 ("public records").

27 **§ 7922.575. Cost of duplication**

28 7922.575. (a) The cost of duplication of an electronic record pursuant to
29 paragraph (2) of subdivision (b) of Section 7922.570 shall be limited to the direct
30 cost of producing a copy of a record in an electronic format.

31 (b) Notwithstanding subdivision (a), the requester shall bear the cost of
32 producing a copy of the record, including the cost to construct a record, and the
33 cost of programming and computer services necessary to produce a copy of the
34 record when either of the following applies:

35 (1) In order to comply with subdivisions (a) and (b) of Section 7922.520, the
36 public agency would be required to produce a copy of an electronic record and the
37 record is one that is produced only at otherwise regularly scheduled intervals.

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

40 **Comment.** Subdivision (a) of Section 7922.575 continues the second sentence of former
41 Section 6253.9(a)(2) without substantive change.

42 Subdivision (b) continues former Section 6253.9(b) without substantive change.

43 See Section 7920.520 ("public agency").

1 For further guidance regarding assistance to the public, see Sections 7922.500 (no delay or
2 obstruction), 7922.505 (option to adopt requirements that allow faster, more efficient, or greater
3 access than minimum standards).

4 See Sections 7920.510 (“member of the public”), 7920.520 (“public agency”), 7920.525
5 (“public records”).

6 **§ 7922.605. Inapplicability of article**

7 7922.605. This article shall not apply to a request for public records if any of the
8 following applies:

9 (a) The public agency makes the requested records available pursuant to Article
10 1 (commencing with Section 7922.500) and Article 2 (commencing with Section
11 7922.525).

12 (b) The public agency makes an index of its records available.

13 (c) The public agency determines that the request should be denied and bases
14 that determination solely on an exemption listed in Section 7920.500.

15 **Comment.** Section 7922.605 continues former Section 6253.1(d) without substantive change.

16 See Sections 7920.520 (“public agency”), 7920.525 (“public records”).

17 CHAPTER 2. AGENCY REGULATIONS, GUIDELINES, SYSTEMS, AND
18 SIMILAR MATTERS

19 Article 1. Agency Regulations and Guidelines

20 **§ 7922.630. Authority to adopt regulations**

21 7922.630. Every agency may adopt regulations in accordance with this article
22 stating the procedures to be followed when making its records available.

23 **Comment.** Section 7922.630 continues the first paragraph of former Section 6253.4(a) without
24 substantive change.

25 For further guidance on adoption of regulations, see Sections 7922.500 (no delay or
26 obstruction), 7922.505 (option to adopt requirements that allow faster, more efficient, or greater
27 access than minimum standards), 7922.635 (agencies required to establish & make available
28 written guidelines for accessibility of records), 7922.640 (limitations on guidelines &
29 regulations).

30 **§ 7922.635. Agencies required to establish and make available written guidelines for**
31 **accessibility of records**

32 7922.635. (a) The following state and local bodies shall establish written
33 guidelines for accessibility of records:

34 (1) All regional water quality control boards

35 (2) Bay Area Air Pollution Control District

36 (3) Bureau of Real Estate

37 (4) California Coastal Commission

38 (5) Department of Business Oversight

39 (6) Department of Consumer Affairs

40 (7) Department of Corrections and Rehabilitation

- 1 (8) Department of General Services
- 2 (9) Department of Industrial Relations
- 3 (10) Department of Insurance
- 4 (11) Department of Justice
- 5 (12) Department of Managed Health Care
- 6 (13) Department of Motor Vehicles
- 7 (14) Department of Parks and Recreation
- 8 (15) Department of Toxic Substances Control
- 9 (16) Department of Veterans Affairs
- 10 (17) Department of Water Resources
- 11 (18) Division of Juvenile Justice
- 12 (19) Employment Development Department
- 13 (20) Golden Gate Bridge, Highway and Transportation District
- 14 (21) Los Angeles County Air Pollution Control District
- 15 (22) Office of Environmental Health Hazard Assessment
- 16 (23) Public Employees' Retirement System
- 17 (24) Public Utilities Commission
- 18 (25) San Francisco Bay Area Rapid Transit District
- 19 (26) San Francisco Bay Conservation and Development Commission
- 20 (27) Secretary of State
- 21 (28) State Air Resources Board
- 22 (29) State Board of Equalization
- 23 (30) State Department of Developmental Services
- 24 (31) State Department of Health Care Services
- 25 (32) State Department of Public Health
- 26 (33) State Department of Social Services
- 27 (34) State Department of State Hospitals
- 28 (35) State Water Resources Control Board
- 29 (36) Teachers' Retirement Board
- 30 (37) Transportation Agency

31 (b) A copy of these guidelines shall be posted in a conspicuous public place at
32 the offices of these bodies, and a copy of the guidelines shall be available upon
33 request, free of charge, to any person requesting that body's records.

34 **Comment.** Section 7922.635 continues the second paragraph of former Section 6253.4(a)
35 without substantive change.

36 See Section 7920.515 ("person").

37 **§ 7922.640. Limitations on guidelines and regulations**

38 7922.640. (a) Guidelines and regulations adopted pursuant to this article shall be
39 consistent with all other sections of this division and shall reflect the intention of
40 the Legislature to make the records accessible to the public.

41 (b) Guidelines and regulations adopted pursuant to this article shall not operate
42 to limit the hours public records are open for inspection as prescribed in Article 1

1 (commencing with Section 7922.500) and Article 2 (commencing with Section
2 7922.525).

3 **Comment.** Section 7922.640 continues former Section 6253.4(b) without substantive change.

4 See Section 7920.525 (“public records”).

5 For further guidance on adoption of guidelines and regulations, see Sections 7922.500 (no
6 delay or obstruction), 7922.505 (option to adopt requirements that allow faster, more efficient, or
7 greater access than minimum standards).

8 Article 2. Internet Resources

9 § 7922.680. Formatting of record that local agency posts on Internet Resource

10 7922.680. If a local agency, except a school district, maintains an Internet
11 Resource, including, but not limited to, an Internet Web site, Internet Web page, or
12 Internet Web portal, which the local agency describes or titles as “open data,” and
13 the local agency voluntarily posts a public record on that Internet Resource, the
14 local agency shall post the public record in an open format that meets all of the
15 following requirements:

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

18 (b) Platform independent and machine readable.

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

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

23 **Comment.** Section 7922.680 continues former Section 6253.10 without change.

24 See Section 7920.505 (“local agency”), 7920.525 (“public records”).

25 Article 3. Catalog of Enterprise Systems

26 § 7922.700. “Enterprise system”

27 7922.700. For purposes of this article:

28 (a) “Enterprise system” means a software application or computer system that
29 satisfies all of the following conditions:

30 (1) It collects, stores, exchanges, and analyzes information that the agency uses.

31 (2) It is a multidepartmental system or a system that contains information
32 collected about the public.

33 (3) It is a system of record.

34 (b) An “enterprise system” does not include any of the following:

35 (1) Information technology security systems, including firewalls and other
36 cybersecurity systems.

37 (2) Physical access control systems, employee identification management
38 systems, video monitoring, and other physical control systems.

39 (3) Infrastructure and mechanical control systems, including those that control
40 or manage street lights, electrical, natural gas, or water or sewer functions.

- 1 (4) Systems related to 911 dispatch and operation or emergency services.
- 2 (5) Systems that would be restricted from disclosure pursuant to [Section
- 3 6254.19].
- 4 (6) The specific records that the information technology system collects, stores,
- 5 exchanges, or analyzes.
- 6 **Comment.** Subdivision (a) of Section 7922.700 continues former Section 6270.5(c)(1) without
- 7 substantive change.
- 8 Subdivision (b) continues former Section 6270.5(c)(3) without substantive change.
- 9 See Section 7920.505 (“system of record”).

10 **§ 7922.705. “System of record”**

11 7922.705. For purposes of this article, “system of record” means a system that

12 serves as an original source of data within an agency.

13 **Comment.** Section 7922.705 continues former Section 6270.5(c)(2) without substantive

14 change.

15 **§ 7922.710. Creation of catalog**

16 7922.710. (a) In implementing this division, each local agency, except a local

17 educational agency, shall create a catalog of enterprise systems.

18 (b) The local agency shall complete and post the catalog as required by this

19 article by July 1, 2016, and thereafter shall update the catalog annually.

20 **Comment.** Subdivision (a) of Section 7922.710 continues the first sentence of former Section

21 6270.5(a) without substantive change.

22 Subdivision (b) continues former Section 6270.5(f) without substantive change.

23 See Sections 7922.700 (“enterprise system”), 7920.505 (“local agency”).

24 **§ 7922.715. Availability of catalog**

25 7922.715. (a) The catalog of enterprise systems required by Section 7922.710

26 shall be made publicly available upon request in the office of the person or officer

27 designated by the agency’s legislative body.

28 (b) If the agency has an Internet Web site, the catalog shall be posted in a

29 prominent location on the agency’s Internet Web site.

30 **Comment.** Subdivision (a) of Section 7922.715 continues the second sentence of former

31 Section 6270.5(a) without substantive change.

32 Subdivision (b) continues the third sentence of former Section 6270.5(a) without substantive

33 change.

34 See Sections 7922.700 (“enterprise system”), 7920.505 (“local agency”), 7920.515 (“person”).

35 **§ 7922.720. Content of catalog**

36 7922.720. (a) The catalog of enterprise systems required by Section 7922.710

37 shall disclose a list of the enterprise systems utilized by the agency.

38 (b) For each system, the catalog shall also disclose all of the following:

39 (1) Current system vendor.

40 (2) Current system product.

41 (3) A brief statement of the system’s purpose.

1 (4) A general description of categories or types of data.

2 (5) The department that serves as the system’s primary custodian.

3 (6) How frequently system data is collected.

4 (7) How frequently system data is updated.

5 (c) If, on the facts of the particular case, the public interest served by not
6 disclosing the information described in paragraph (1) or (2) of subdivision (b)
7 clearly outweighs the public interest served by disclosure of the record, the local
8 agency may instead provide a system name, brief title, or identifier of the system.

9 **Comment.** Subdivisions (a) and (b) of Section 7922.720 continue the fourth sentence of
10 former Section 6270.5(a) without substantive change.

11 Subdivision (c) continues former Section 6270.5(e) without substantive change.

12 See Sections 7922.700 (“enterprise system”), 7920.505 (“local agency”).

13 **§ 7922.725. Construction of article**

14 7922.725. (a) This article shall not be interpreted to limit a person’s right to
15 inspect public records pursuant to this division.

16 (b) Nothing in this article shall be construed to permit public access to records
17 held by an agency to which access is otherwise restricted by statute or to alter the
18 process for requesting a public record, as set forth in this division.

19 **Comment.** Subdivision (a) of Section 7922.725 continues former Section 6270.5(b) without
20 substantive change.

21 Subdivision (b) continues former Section 6270.5(d) without substantive change.

22 See Sections 7920.515 (“person”), 7920.525 (“public records”).

DISPOSITION OF FORMER LAW

Note. This table shows the proposed disposition in the proposed CPRA Recodification Act of 2019 of the following provisions in of the California Public Records Act (Gov’t Code §§ 6250-6276.48), as that law existed on January 1, 2018. Unless otherwise indicated, all statutory references are to the Government Code.

Existing Provision	Proposed Provision(s)	Existing Provision	Proposed Provision(s)
6245, 2nd sent.....	7920.300	6253.9(b).....	7922.575(b)
6250	7921.000	6253.9(c).....	7922.580(a)
6251	7920.000	6253.9(d).....	7922.570(c)
6252(a)	7920.505	6253.9(e).....	7922.580(b)
6252(b)	7920.510	6253.9(f).....	7922.580(c)
6252(c)	7920.515	6253.9(g).....	7922.580(d)
6252(d)	7920.520(a)	6253.10	7922.680
6252(e)	7920.525	6254 next-to-last ¶	7921.500
6252(f)	7920.535	6254.5 1st sent	7921.505(a)
6252(g)	7920.540	6254.5(a)-(i).....	7921.505(b)
6252.5	7921.305	6254.24	7920.530
6252.7	7921.310	6254.27	7922.205
6253(a) 1st sent.....	7922.525(a)	6254.28	7922.210
6253(a) 2nd sent	7922.525(b)	6254.29	7922.200
6253(b)	7922.530	6255(a).....	7922.000
6253(c) 1st, 4th sent	7922.535(a)	6255(b).....	7922.540(a)
6253(c) 2nd, 3rd sent.....	7922.535(b)	6257.5	7921.300
6253(c) 5th sent	7922.535(c)	6260	7920.200
6253(d) 1st sent	7922.500	6263	7921.700
6253(d) 2nd sent	7922.540(b)	6264	7921.705
6253(e).....	7922.505	6265	7921.710
6253(f) 1st sent	7922.545(a)	6270	7921.010
6253(f) 2nd sent.....	7922.545(b)	6270.5(a) 1st sent	7922.710(a)
6253.1(a)-(c).....	7922.600	6270.5(a) 2nd sent.....	7922.715(a)
6253.1(d)	7922.605	6270.5(a) 3rd sent	7922.715(b)
6253.3	7921.005	6270.5(a) 4th sent	7922.720(a), (b)
6253.4(a) 1st ¶	7922.630	6270.5(b).....	7922.725(a)
6253.4(a) 2nd ¶	7922.635	6270.5(c)(1)	7922.700(a)
6253.4(b)	7922.640	6270.5(c)(2)	7922.705
6253.9 intro cl 1st part.....	7922.570(a)	6270.5(c)(3)	7922.700(b)
6253.9 intro cl 2nd part, (a)(1), (a)(2) 1st sent	7922.570(b)	6270.5(d).....	7922.725(b)
6253.9(a)(2) 2nd sent.....	7922.575(a)	6270.5(e).....	7922.720(c)
		6270.5(f)	7922.710(b)

DERIVATION OF NEW LAW

Note. This table shows the derivation of each of the following provisions of the proposed CPRA Recodification Act of 2019, from the California Public Records Act (Gov’t Code §§ 6250-6276.48), as that law existed on January 1, 2018. Unless otherwise indicated, all statutory references are to the Government Code.

Proposed Provision	Existing Provision(s)	Proposed Provision	Existing Provision(s)
7920.000	6251	7922.525(b)	6253(a) 2nd sent
7920.005	new	7922.530	6253(b)
7920.100	new	7922.535(a)	6253(c) 1st, 4th sent
7920.105	new	7922.535(b)	6253(c) 2nd, 3rd sent
7920.110	new	7922.535(c)	6253(c) 5th sent
7920.115	new	7922.540(a)	6255(b)
7920.120	new	7922.540(b)	6253(d) 2nd sent
7920.200	6260	7922.540(c)	new
7920.300	6245, 2nd sent	7922.545(a)	6253(f) 1st sent
7920.500	new	7922.545(b)	6253(f) 2nd sent
7920.505	6252(a)	7922.570(a)	6253.9 intro cl, 1st part
7920.510	6252(b)	7922.570(b)	6253.9(a)(1), (a)(2) 1st cl, intro cl, 2nd part
7920.515	6252(c)	7922.570(c)	6253.9 intro cl, 1st part
7920.520(a)	6252(d)	7922.575(a)	6253.9(a)(2) 2nd sent
7920.520(b)	new	7922.575(b)	6253.9(b)
7920.525	6252(e)	7922.580(a)	6253.9(c)
7920.530	6254.24	7922.580(b)	6253.9(e)
7920.535	6252(f)	7922.580(c)	6253.9(f)
7920.540	6252(g)	7922.580(d)	6253.9(g)
7921.000	6250	7922.580(b)	6253.9(a)(2) 2nd sent
7921.005	6253.3	7922.600	6253.1(a)-(c)
7921.010	6270	7922.605	6253.1(d)
7921.300	6257.5	7922.630	6253.4(a) 1st ¶
7921.305	6252.5	7922.635	6253.4(a) 2nd ¶
7921.310	6252.7	7922.640	6253.4(b)
7921.500	6254 next-to-last ¶	7922.680	6253.10
7921.505(a)	6254.5 1st sent	7922.700(a)	6270.5(c)(1)
7921.505(b)	6254.5(a)-(i)	7922.700(b)	6270.5(c)(3)
7921.700	6263	7922.705	6270.5(c)(2)
7921.705	6264	7922.710(a)	6270.5(a) 1st sent
7921.710	6265	7922.710(b)	6270.5(f)
7922.000	6255(a)	7922.715(a)	6270.5(a) 2nd sent
7922.200	6254.29	7922.715(b)	6270.5(a) 3rd sent
7922.205	6254.27	7922.720(a), (b)	6270.5(a) 4th sent
7922.210	6254.28	7922.720(c)	6270.5(e)
7922.500	6253(d) 1st sent	7922.725(a)	6270.5(b)
7922.505	6253(e)	7922.725(b)	6270.5(d)
7922.525(a)	6253(a) 1st sent		

CORRECTED CROSS-REFERENCES

In tentatively reorganizing the provisions comprising Parts 1 and 2 of the CPRA, the Commission identified some provisions that appear to contain one or more incomplete or incorrect cross-references. Where the proper cross-reference is obvious, the Commission corrected the cross-reference in its proposed legislation. That approach seems more sensible than tentatively proposing to perpetuate a plainly incorrect cross-reference.

Those instances are described in detail below.

- Section 6252(a), defining “local agency,” cross-refers to “subdivisions (c) *and* (d) of Section 54952.”¹ It seems improbable, however, that the Legislature intended to require an entity to satisfy the requirements of *both* subdivisions to qualify as a “local agency” under Section 6252(a) for purposes of the CPRA. Proposed Section 7920.505 (continuing the substance of Section 6252(a)) would correct this problem by referring instead to “subdivision (c) *or* (d) of Section 54952.”²
- Section 6254.24, defining “public safety official,” refers to a “public officer or other person listed in Sections 1808.2 *and* 1808.6 of the Vehicle Code.”³ Given the content of Sections 1808.2 and 1808.6, however, it seems improbable that the Legislature intended to require a person to be listed in *both* of those provisions to qualify as a “public safety official” within the meaning of Section 6254.24. Proposed Section 7920.530 (continuing the substance of Section 6254.24) would correct that problem by referring instead to “Section 1808.2 *or* 1808.6 of the Vehicle Code.”⁴

1. Emphasis added.

2. For further discussion of this point, see CLRC Staff Memorandum 2017-49, pp. 6-8.

3. Emphasis added.

4. For further discussion of this point, see CLRC Staff Memorandum 2017-49, pp. 8-9.

MINOR CLEAN-UP ISSUES FOR POSSIBLE FUTURE LEGISLATIVE ATTENTION

In conducting this strictly nonsubstantive study, the Commission tentatively identified some minor problems in the CPRA, which it probably could not address without potentially raising concerns about the possibility of a substantive change. Those issues are listed here.

As far as the Commission is aware, this list consists of relatively noncontroversial clean-up issues, not issues involving substantial controversy. If any of the issues listed below appears likely to involve substantial controversy, please notify the Commission.

- Consider whether to clarify the usage of the term “local agency” in Section 6252.7 and its continuation (proposed Section 7921.310).⁵
- Consider whether to simplify the description in the first sentence of Section 6254.5 (proposed Section 7921.505(a)) of which exemptions are waived.⁶
- Consider whether to revise the descriptions in subdivisions (g) and (i) of Section 6254.5 (proposed Section 7921.505(b)(7) & (9)) to make them more readily understandable.⁷

5. For further discussion of this issue, see CLRC Staff Memorandum 2017-60, pp. 1-3.

6. For further discussion of this issue, see CLRC Staff Memorandum 2017-60, pp. 4-5.

7. For further discussion of this issue, see CLRC Staff Memorandum 2017-60, pp. 5-6.