Memorandum 2018-24

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

At the request of the Legislature, the Commission\(^1\) 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.

\(^2\) 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
Contents

DIVISION 10. ACCESS TO PUBLIC RECORDS ......................................................... 1
PART 1. GENERAL PROVISIONS ........................................................................ 1
   CHAPTER 1. PRELIMINARY PROVISIONS ..................................................... 1
      Article 1. Short Title .............................................................................. 1
      § 7920.000. California Public Records Act ............................................. 1
      § 7920.005. CPRA Recodification Act of 2019 ........................................ 2
      Article 2. Effect of Recodification .......................................................... 2
      § 7920.100. Nonsubstantive reform ......................................................... 2
      § 7920.105. Continuation of existing law ................................................ 3
      § 7920.110. Judicial decision interpreting former law ............................... 3
      § 7920.115. Attorney General opinion interpreting former law ............... 4
      § 7920.120. Constitutionality ................................................................. 4
      Article 3. Effect of Division ................................................................. 5
      § 7920.200. Effect of division ................................................................. 5
   CHAPTER 2. DEFINITIONS ........................................................................ 5
      § 7920.300. “Agency” ............................................................................ 5
      § 7920.500. “Former Section 6254 provisions” ......................................... 5
      § 7920.505. “Local agency” ................................................................. 7
      § 7920.510. “Member of the public” ....................................................... 8
      § 7920.515. “Person” ........................................................................... 8
      § 7920.520. “Public agency” ............................................................... 8
      § 7920.525. “Public records” ........................................................... 9
      § 7920.530. “Public safety official” ..................................................... 9
      § 7920.535. “State agency” ............................................................... 11
      § 7920.540. “Writing” ..................................................................... 12
PART 2. DISCLOSURE AND EXEMPTIONS GENERALLY ................................... 12
   CHAPTER 1. RIGHT OF ACCESS TO PUBLIC RECORDS ............................. 12
      § 7921.000. Legislative findings and declarations .................................. 12
      § 7921.005. Control of disclosure of information by another party .......... 12
      § 7921.010. Providing public record to private entity ......................... 13
   CHAPTER 2. GENERAL RULES GOVERNING DISCLOSURE .......................... 13
      Article 1. Nondiscrimination ............................................................. 13
      § 7921.300. Prohibition on limitation of access based on purpose of request 13
      § 7921.305. Access by elected member or officer of agency .................. 13
      § 7921.310. Nondiscrimination by local agency in disclosure to members of local legislative body .................................................. 13
      Article 2. Voluntary Disclosure .......................................................... 14
      § 7921.500. Voluntary disclosure by agency ....................................... 14
      § 7921.505. Waiver of exemption based on disclosure ....................... 14
      Article 3. Disclosure to District Attorney and Related Matters .......... 15
      § 7921.700. Inspection or copying of public record by district attorney ...... 15
      § 7921.705. Enforcement of district attorney’s right to inspect or copy .... 16
      § 7921.710. Effect of disclosure to district attorney ............................. 17
   CHAPTER 3. GENERAL RULES GOVERNING EXEMPTIONS FROM DISCLOSURE ................................................. 17
      Article 1. Justification for Withholding of Record ................................. 17
      § 7922.000. Justification for withholding of record ............................. 17
      Article 2. Truncation of Social Security Numbers and Related Matters ........ 17
      § 7922.200. Redaction of SSN by local agency .................................. 17
      § 7922.205. Truncation of SSN by county recorder ............................. 18
      § 7922.210. Truncation of SSN with regard to secured transaction .......... 18
PART 3. PROCEDURES ................................................................................. 19
   CHAPTER 1. REQUEST FOR A PUBLIC RECORD ........................................ 19
      Article 1. General Principles ............................................................ 19
      § 7922.500. No delay or obstruction .................................................. 19
§ 7922.505. Option to adopt requirements that allow faster, more efficient, or greater access than minimum standards

Article 2. Procedural Requirements Generally ........................................................................................................19
  § 7922.525. Inspection of public record ................................................................................................................19
  § 7922.530. Copy of public record .........................................................................................................................19
  § 7922.535. Time to respond .....................................................................................................................................20
  § 7922.540. Denial of request ..................................................................................................................................21
  § 7922.545. Posting public record on agency’s Internet Web site ..........................................................................21

Article 3. Information in Electronic Format ........................................................................................................22
  § 7922.570. Disclosure of information in electronic format ......................................................................................22
  § 7922.575. Cost of duplication ..................................................................................................................................22
  § 7922.580. Limitations ..............................................................................................................................................23

Article 4. Duty to Assist in Formulating Request ................................................................................................23
  § 7922.600. Duty to provide assistance ..................................................................................................................23
  § 7922.605. Inapplicability of article ......................................................................................................................24

CHAPTER 2. AGENCY REGULATIONS, GUIDELINES, SYSTEMS, AND SIMILAR MATTERS ..............................................24

Article 1. Agency Regulations and Guidelines ....................................................................................................24
  § 7922.630. Authority to adopt regulations ..............................................................................................................24
  § 7922.635. Agencies required to establish and make available written guidelines for accessibility of records ..................................................................................................................24
  § 7922.640. Limitations on guidelines and regulations ..............................................................................................25

Article 2. Internet Resources ..................................................................................................................................26
  § 7922.680. Formatting of record that local agency posts on Internet Resource .....................................................26

Article 3. Catalog of Enterprise Systems ................................................................................................................26
  § 7922.700. “Enterprise system” ...........................................................................................................................26
  § 7922.705. “System of record” ............................................................................................................................27
  § 7922.710. Creation of catalog ................................................................................................................................27
  § 7922.715. Availability of catalog ..........................................................................................................................27
  § 7922.720. Content of catalog ................................................................................................................................27
  § 7922.725. Construction of article ..........................................................................................................................28

DISPOSITION OF FORMER LAW ..................................................................................................................................29

DERIVATION OF NEW LAW .....................................................................................................................................30

CORRECTED CROSS-REFERENCES ..........................................................................................................................31

MINOR CLEAN-UP ISSUES FOR POSSIBLE FUTURE LEGISLATIVE ATTENTION ..................................................................32
Note. This is a work in progress. The material shown below may be changed. For the current tentative outline of new Division 10 of Title 1 of the Government Code, see CLRC Staff Memorandum 2018-23.

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

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

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

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

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

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

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

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

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

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

DIVISION 10. ACCESS TO PUBLIC RECORDS

PART 1. GENERAL PROVISIONS

CHAPTER 1. PRELIMINARY PROVISIONS

Article 1. Short Title

§ 7920.000. California Public Records Act

7920.000. This division shall be known and may be cited as the California Public Records Act.
Comment. Section 7920.000 continues former Section 6251 without substantive change. The California Public Records Act or “CPRA” was formerly codified as Chapter 3.5 (commencing with Section 6250) of Division 7 of this title.

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

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

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

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

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

§ 7920.005. CPRA Recodification Act of 2019

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

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

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

Article 2. Effect of Recodification

§ 7920.100. Nonsubstantive reform

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

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

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

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

§ 7920.105. Continuation of existing law

7920.105. (a) A provision of this division, or any other provision of the CPRA Recodification Act of 2019, 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 division, or in any other provision of the CPRA Recodification Act of 2019, 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 division, or any other provision of the CPRA Recodification Act of 2019, 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.

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

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

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

See Section 7920.005 ("CPRA Recodification Act of 2019").

§ 7920.110. Judicial decision interpreting former law

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

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

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

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

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

Subdivisions (b) and (c) make clear that in recodifying former Sections 6250-6276.48, the Legislature has not taken any position on any case interpreting any of those provisions.
For specific guidance on the impact of an Attorney General opinion interpreting a predecessor of a provision in this division, see Section 7920.115. For specific guidance on the impact of a judicial decision or Attorney General opinion assessing the constitutionality of a predecessor of a provision in this division, see Section 7920.120. For general guidance on the nonsubstantive impact of the CPRA Recodification Act of 2019, see Section 7920.100.

See Section 7920.005 ("CPRA Recodification Act of 2019").

§ 7920.115. Attorney General opinion interpreting former law

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

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

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

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

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

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

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

See Section 7920.005 ("CPRA Recodification Act of 2019").

§ 7920.120. Constitutionality

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

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

(c) The CPRA Recodification Act of 2019 is not intended to, and does not, reflect any determination of the constitutionality of any provision affected by the act.
Comment. Section 7920.120 is modeled on Penal Code Section 16025. Due to the prevalence and significant impact of Attorney General opinions on CPRA issues, the section expressly refers to Attorney General opinions as well as judicial decisions.

Subdivision (a) makes clear that case law and Attorney General opinions on the constitutionality of a predecessor provision are relevant in determining the constitutionality of its successor in the CPRA Recodification Act of 2019.

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

For specific guidance on the impact of a judicial decision interpreting a predecessor of a provision in this division, see Section 7920.110. For specific guidance on the impact of an Attorney General opinion interpreting a predecessor of a provision in this division, see Section 7920.115. For general guidance on the nonsubstantive impact of the CPRA Recodification Act of 2019, see Section 7920.100.

See Section 7920.005 ("CPRA Recodification Act of 2019").

Article 3. Effect of Division

§ 7920.200. Effect of division

7920.200. The provisions of this division shall not be deemed in any manner to affect the status of judicial records as it existed immediately prior to the effective date of the provision that is continued in this section, nor to affect the rights of litigants, including parties to administrative proceedings, under the laws of discovery of this state, nor to limit or impair any rights of discovery in a criminal case.

Comment. Section 7920.200 continues former Section 6260 without substantive change.

Former Section 6260 was enacted in 1968 (see 1968 Cal. Stat. ch. 1473, § 39) and amended in 1976 to insert the phrase “nor to limit or impair any rights of discovery in a criminal case” (see 1976 Cal. Stat. ch. 314, § 2). The effective date of the original enactment was January 1, 1969. See Cal. Const. art. IV, § 8(c)(1); Gov’t Code § 9600(a).

CHAPTER 2. DEFINITIONS

§ 7920.300. “Agency”

7920.300. As used in Section 7921.505, “agency” includes a member, agent, officer, or employee of the agency acting within the scope of his or her membership, agency, office, or employment.

Comment. Section 7920.300 continues the second sentence of former Section 6254.5 without substantive change.

§ 7920.500. “Former Section 6254 provisions”

7920.500. (a) The following provisions are continuations of provisions that were included in former Section 6254 as that section read when it was repealed by the CPRA Recodification Act of 2019:

(1) [Section 6254(a)]
(2) [Section 6254(b)]
(3) [Section 6254(c)]
The provisions listed in subdivision (a) may be referred to as “former Section 6254 provisions.”

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

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

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

Notes. (1) Proposed Section 7920.500 is modeled on several provisions in the Deadly Weapons Recodification Act of 2010. See Penal Code §§ 16575 (“Former Article 4 of Chapter 1 provisions”), 16580 (“Former Chapter 1 provisions”), 16585 (“Former Section 12078 provisions”). It is included for drafting convenience.
The list of bracketed provisions is based on the Commission’s tentative outline, which shows how the Commission plans to divide up the substance of existing Section 6254 (an overly long provision that calls for reorganization). For purposes of preparing this list, the Commission has assumed that the various definitions scattered throughout Section 6254 will remain in proximity to the associated substantive material, instead of being placed in “Chapter 2. Definitions.” The Commission will make adjustments as necessary if that assumption later proves incorrect.

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

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

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

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

§ 7920.505. “Local agency”

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

(a) A county.

(b) A city, whether general law or chartered.

(c) A city and county.

(d) A school district.

(e) A municipal corporation.

(f) A district.

(g) A political subdivision.

(h) Any board, commission, or agency of the foregoing.

(i) Another local public agency.

(j) An entity that is a legislative body of a local agency pursuant to subdivision (c) or (d) of Section 54952.

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

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

See Section 7920.520 (“public agency”).

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

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

....

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

(A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.
(B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.

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

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

Given the content of these provisions, it seems improbable 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). Proposed Section 7920.505(j) would continue this cross-reference as “subdivisions (c) or (d) of Section 54952.” (Emphasis added).

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

§ 7920.510. “Member of the public”

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

Comment. Section 7920.510 continues former Section 6252(b) without substantive change.

See Sections 7920.505 (“local agency”), 7920.515 (“person”).

§ 7920.515. “Person”

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

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

§ 7920.520. “Public agency”

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

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

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

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

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

Note. Existing Section 6252(d) defines “public agency” for purposes of the entire CPRA. In addition, existing Section 6254.18 contains the following special definition of “public agency”:
6254.18....
(b) For purposes of this section, the following terms have the following meanings:

(3) “Public agency” means all of the following:
(A) The State Department of Health Care Services.
(B) The Department of Consumer Affairs.
(C) The Department of Managed Health Care.
(D) The State Department of Public Health.

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

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

§ 7920.525. “Public records”

7920.525. (a) As used in this division, “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.

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

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

§ 7920.530. “Public safety official”

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

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

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

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

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

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

(f) An employee of the Department of Corrections and Rehabilitation who supervises inmates or is required to have a prisoner in his or her care or custody.
(g) A sworn or nonsworn employee who supervises inmates in a city police department, a county sheriff’s office, the Department of the California Highway Patrol, federal, state, or a local detention facility, or a local juvenile hall, camp, ranch, or home, and a probation officer as defined in Section 830.5 of the Penal Code.

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

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

(j) State and federal judges and court commissioners.

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

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

Comment. Section 7920.530 continues former Section 6254.24 without substantive change. In subdivision (b), the erroneous reference to “Sections 1808.2 and 1808.6 of the Vehicle Code” that appeared in former Section 6254.24(b) has been replaced with a reference to “Section 1808.2 or 1808.6 of the Vehicle Code.” (Emphasis added.) This is a technical correction.

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

See Section 7920.515 (“person”).

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

The cross-referenced Vehicle Code sections provide:

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

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

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

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

(3) The spouse or children of persons listed in this section, regardless of the spouse’s or
child’s place of residence.

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

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

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

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

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

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

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

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

The Commission welcomes input on any aspect of its proposed recodification, but would especially appreciate public comment on whether the phrase “as defined in Section 830.5 of the Penal Code” should be retained in proposed Section 7920.530(g).
(b) Notwithstanding subdivision (a) or any other law, “state agency” also means the State Bar of California, as described in Section 6001 of the Business and Professions Code.

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

---

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

---

§ 7920.540. “Writing”

7920.540. As used in this division, “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 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.

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

---

**PART 2. DISCLOSURE AND EXEMPTIONS**

**GENERALLY**

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

§ 7921.000. Legislative findings and declarations

7921.000. In enacting this division, 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.

**Comment.** Section 7921.000 continues former Section 6250 without substantive change.

See Section 7920.515 (“person”).

---

§ 7921.005. Control of disclosure of information by another party

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

**Comment.** Section 7921.005 continues former Section 6253.3 without substantive change.

See Sections 7920.505 (“local agency”), 7920.535 (“state agency”).
§ 7921.010. Providing public record to private entity

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

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

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

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

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

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

CHAPTER 2. GENERAL RULES GOVERNING DISCLOSURE

Article 1. Nondiscrimination

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

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

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

See Section 7920.525 (“public records”).

§ 7921.305. Access by elected member or officer of agency

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

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

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

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

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

7921.310. Notwithstanding Section 7921.305 or any other provision of law, when the members of a legislative body of a local agency are authorized to access
a writing of the body or of the agency as permitted by law in the administration of
their duties, the local agency, as defined in Section 54951, shall not discriminate
between or among any of those members as to which writing or portion thereof is
made available or when it is made available.

Comment. Section 7921.310 continues former Section 6252.7 without substantive change.
See Section 7920.525 (“writing”). See also Section 7920.505 (“local agency”); but see Section
54951 (“local agency”).

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

Article 2. Voluntary Disclosure

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

Comment. Section 7921.500 continues the next-to-last paragraph of former Section 6254
without substantive change.
See Section 7920.500 (“former Section 6254 provisions”).

§ 7921.505. Waiver of exemption based on disclosure
7921.505. (a) Notwithstanding any other law, if a state or local agency discloses
to a member of the public a public record that is otherwise exempt from this
division, this disclosure constitutes a waiver of the exemptions specified in:
(1) The provisions listed in Section 7920.500.
(2) [Section 6254.7].
(3) Other similar provisions of law.

(b) This section, however, does not apply to any of the following disclosures:
(1) A disclosure made pursuant to the Information Practices Act (Chapter 1
(commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil
Code) or a discovery proceeding.
(2) A disclosure made through other legal proceedings or as otherwise required
by law.
(3) A disclosure within the scope of disclosure of a statute that limits disclosure
of specified writings to certain purposes.
(4) A disclosure not required by law, and prohibited by formal action of an
elected legislative body of the local agency that retains the writing.
(5) A disclosure made to a governmental agency that agrees to treat the
disclosed material as confidential. Only persons authorized in writing by the
person in charge of the agency shall be permitted to obtain the information. Any
information obtained by the agency shall only be used for purposes that are
consistent with existing law.
(6) A disclosure of records relating to a financial institution or an affiliate thereof, if the disclosure is made to the financial institution or affiliate by a state agency responsible for regulation or supervision of the financial institution or affiliate.

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

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

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

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

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

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

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

Article 3. Disclosure to District Attorney and Related Matters

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

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

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

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

See Sections 7920.505 (“local agency”), 7920.525 (“public records”), 7920.535 (“state agency”).
Staff Notes. (1) The Comment to proposed Section 7921.700 contains a bracketed cross-reference to Section 6262. The staff has not yet drafted a provision that would continue the substance of Section 6262. After we do so, we will replace the bracketed cross-reference with a cross-reference to the corresponding new provision.

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

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

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

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

The staff considered the possibility of recodifying that exception in “Article 3. Disclosure to District Attorney and Related Matters.” It seemed more helpful, however, to place the exception in close proximity to the CPRA exemption to which it pertains — i.e., in close proximity to the provision(s) that would continue the substance of Section 6254(f). That is the approach taken in the Commission’s tentative outline. See Memorandum 2018-23, Attachment p. 6. Because the exception specifically applies to a district attorney, however, the Comment to proposed Section 7921.700 would refer to it. That should help alert readers to the existence of the exception.

Comments on this approach would be helpful.

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

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

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

Comment. Section 7921.705 continues former Section 6264 without substantive change. See Sections 7920.505 (“local agency”), 7920.525 (“public records”), 7920.535 (“state agency”).

Staff Notes. (1) Section 6264 provides:

6264. The district attorney may petition a court of competent jurisdiction to require a state or local agency to allow him to inspect or receive a copy of any public record or class of public records not exempted by this chapter when the agency fails or refuses to allow inspection or copying within 10 working days of a request. The court may require a public agency to permit inspection or copying by the district attorney unless the public interest or good cause in withholding such records clearly outweighs the public interest in disclosure.
To make the section gender neutral and improve clarity and readability, the staff made some stylistic revisions in drafting proposed Section 7921.705.

(2) Section 6264 says that a district attorney “may petition a court of competent jurisdiction ....” (Emphasis added.) The reference to “a court of competent jurisdiction” is superfluous, because it is always necessary to file a petition in a court of competent jurisdiction. The phrase is probably a relic from when California had several types of trial courts, with differing jurisdictional rules (superior courts, municipal courts, and justice courts). Now that the state has a unified trial court system (municipal and justice courts no longer exist and superior courts have broad jurisdiction), a statutory reminder to file in a court of competent jurisdiction is less necessary. In perhaps an excess of caution, the staff nonetheless retained the phrase “court of competent jurisdiction” in drafting proposed Section 7921.705, which would continue the substance of Section 6264. Should it be deleted in the interest of simplification? Comments on this point would be helpful.

§ 7921.710. Effect of disclosure to district attorney

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

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

CHAPTER 3. GENERAL RULES GOVERNING EXEMPTIONS FROM DISCLOSURE

Article 1. Justification for Withholding of Record

§ 7922.000. Justification for withholding of record

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

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

Article 2. Truncation of Social Security Numbers and Related Matters

§ 7922.200. Redaction of SSN by local agency

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

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

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

Comment. Section 7922.200 continues former Section 6254.29 without substantive change. See Section 7920.505 (“local agency”).
§ 7922.205. Truncation of SSN by county recorder

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

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

§ 7922.210. Truncation of SSN with regard to secured transaction

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

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

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

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

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

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

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

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

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

The Commission welcomes input on any aspect of its proposed recodification, but would especially appreciate public comment on this revision.
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
records that reasonably describes an identifiable record or records, shall make the
records promptly available to any person upon payment of fees covering direct
costs of duplication, or a statutory fee if applicable. Upon request, an exact copy
shall be provided unless impracticable to do so.

Comment. Section 7922.530 continues former Section 6253(b) 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 inspection of a public record, see Section 7922.525.
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”).

§ 7922.535. Time to respond

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

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

(c) 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:

(1) 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.

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

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

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

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

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

§ 7922.540. Denial of request
7922.540. (a) 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.
(b) The notification of denial shall set forth the names and titles or positions of each person responsible for the denial.
(c) An agency shall justify withholding any record by complying with Section 7922.000.

Comment. Subdivision (a) of Section 7922.540 continues former Section 6255(b) without change.
Subdivision (b) continues the second sentence of former Section 6253(d) without substantive change.
Subdivision (c) is new. It is a nonsubstantive signpost provision, included simply to alert readers to the requirements of Section 7922.000 (justification for withholding of record).
For further guidance on denial of a record request, see Sections 7921.000-7922.210 (disclosure & exemptions generally), 79xx.xxx-79xx.xxx (specific types of public records), 79xx.xxx-79xx.xxx (other exemptions from disclosure).
See Sections 7920.515 (“person”), 7920.540 (“writing”).

§ 7922.545. Posting public record on agency’s Internet Web site
7922.545. (a) In addition to maintaining public records for public inspection during its office hours, a public agency may comply with Section 7922.525 by posting any public record on its Internet Web site and, in response to a request for a public record posted on the Internet Web site, directing a member of the public to the location on the Internet Web site where the public record is posted.
(b) However, if after the public agency directs a member of the public to the Internet Web site, the member of the public requesting the public record requests a copy of the public record due to an inability to access or reproduce the public record from the Internet Web site, the public agency shall promptly provide a copy of the public record pursuant to Section 7922.530.

Comment. Subdivision (a) of Section 7922.545 continues the first sentence of former Section 6253(f) without substantive change.
Subdivision (b) continues the second sentence of former Section 6253(f) without substantive change.
For further guidance on agency websites, see Sections 7922.680 (formatting of record that local agency posts on Internet Resource), 7922.705 (posting catalog of enterprise systems on local agency’s website). See also Section 7922.520 (disclosure of information in electronic format).
See Sections 7920.510 (“member of the public”), 7920.520 (“public agency”), 7920.525 (“public records”).
Article 3. Information in Electronic Format

§ 7922.570. Disclosure of information in electronic format

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

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

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

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

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

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

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

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

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

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

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

§ 7922.575. Cost of duplication

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

(b) Notwithstanding 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 when either of the following applies:

(1) In order to comply with subdivisions (a) and (b) of Section 7922.520, the public agency 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.

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

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

See Section 7920.520 (“public agency”).
§ 7922.580. Limitations

7922.580. (a) Nothing in this article shall be construed to require a public agency to reconstruct a record in an electronic format if the agency no longer has the record available in an electronic format.

(b) Nothing in this article shall be construed to permit an agency to make information available only in an electronic format.

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

(d) Nothing in this article shall be construed to permit public access to records held by any agency to which access is otherwise restricted by statute.

Comment. Subdivision (a) of Section 7922.580 continues former Section 6253.9(c) without substantive change. Subdivision (b) continues former Section 6253.9(e) without substantive change. Subdivision (c) continues former Section 6253.9(f) without substantive change. Subdivision (d) continues former Section 6253.9(g) without substantive change.

See Section 7920.520 (“public agency”).

Article 4. Duty to Assist in Formulating Request

§ 7922.600. Duty to provide assistance

7922.600. (a) When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

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

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

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

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

(c) The requirements of subdivision (a) are in addition to any action required of a public agency by Article 1 (commencing with Section 7922.500) or Article 2 (commencing with Section 7922.525).

Comment. Section 7922.600 continues former Section 6253.1(a)-(c) without substantive change.
For further guidance regarding assistance to the public, see Sections 7922.500 (no delay or obstruction), 7922.505 (option to adopt requirements that allow faster, more efficient, or greater access than minimum standards).

See Sections 7920.510 ("member of the public"), 7920.520 ("public agency"), 7920.525 ("public records").

§ 7922.605. Inapplicability of article

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

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

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

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

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

See Sections 7920.520 ("public agency"), 7920.525 ("public records").

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

Article 1. Agency Regulations and Guidelines

§ 7922.630. Authority to adopt regulations

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

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

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

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

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

1. All regional water quality control boards
2. Bay Area Air Pollution Control District
3. Bureau of Real Estate
4. California Coastal Commission
5. Department of Business Oversight
6. Department of Consumer Affairs
7. Department of Corrections and Rehabilitation
(8) Department of General Services
(9) Department of Industrial Relations
(10) Department of Insurance
(11) Department of Justice
(12) Department of Managed Health Care
(13) Department of Motor Vehicles
(14) Department of Parks and Recreation
(15) Department of Toxic Substances Control
(16) Department of Veterans Affairs
(17) Department of Water Resources
(18) Division of Juvenile Justice
(19) Employment Development Department
(20) Golden Gate Bridge, Highway and Transportation District
(21) Los Angeles County Air Pollution Control District
(22) Office of Environmental Health Hazard Assessment
(23) Public Employees’ Retirement System
(24) Public Utilities Commission
(25) San Francisco Bay Area Rapid Transit District
(26) San Francisco Bay Conservation and Development Commission
(27) Secretary of State
(28) State Air Resources Board
(29) State Board of Equalization
(30) State Department of Developmental Services
(31) State Department of Health Care Services
(32) State Department of Public Health
(33) State Department of Social Services
(34) State Department of State Hospitals
(35) State Water Resources Control Board
(36) Teachers’ Retirement Board
(37) Transportation Agency
(b) A copy of these guidelines shall be posted in a conspicuous public place at
the offices of these bodies, and a copy of the guidelines shall be available upon
request, free of charge, to any person requesting that body’s records.

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

See Section 7920.515 (“person”).

§ 7922.640. Limitations on guidelines and regulations
7922.640. (a) Guidelines and regulations adopted pursuant to this article shall be
consistent with all other sections of this division and shall reflect the intention of
the Legislature to make the records accessible to the public.
(b) Guidelines and regulations adopted pursuant to this article shall not operate
to limit the hours public records are open for inspection as prescribed in Article 1
(commencing with Section 7922.500) and Article 2 (commencing with Section 7922.525).

Comment. Section 7922.640 continues former Section 6253.4(b) without substantive change. See Section 7920.525 ("public records). For further guidance on adoption of guidelines and regulations, see Sections 7922.500 (no delay or obstruction), 7922.505 (option to adopt requirements that allow faster, more efficient, or greater access than minimum standards).

Article 2. Internet Resources

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

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

(a) Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.
(b) Platform independent and machine readable.
(c) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the public record.
(d) Retains the data definitions and structure present when the data was compiled, if applicable.

Comment. Section 7922.680 continues former Section 6253.10 without change. See Section 7920.505 ("local agency"), 7920.525 ("public records).

Article 3. Catalog of Enterprise Systems

§ 7922.700. “Enterprise system”

7922.700. For purposes of this article:
(a) “Enterprise system” means a software application or computer system that satisfies all of the following conditions:
(1) It collects, stores, exchanges, and analyzes information that the agency uses.
(2) It is a multidepartmental system or a system that contains information collected about the public.
(3) It is a system of record.
(b) An “enterprise system” does not include any of the following:
(1) Information technology security systems, including firewalls and other cybersecurity systems.
(2) Physical access control systems, employee identification management systems, video monitoring, and other physical control systems.
(3) Infrastructure and mechanical control systems, including those that control or manage street lights, electrical, natural gas, or water or sewer functions.
(4) Systems related to 911 dispatch and operation or emergency services.

(5) Systems that would be restricted from disclosure pursuant to [Section 6254.19].

(6) The specific records that the information technology system collects, stores, exchanges, or analyzes.

Comment. Subdivision (a) of Section 7922.700 continues former Section 6270.5(c)(1) without substantive change.

Subdivision (b) continues former Section 6270.5(c)(3) without substantive change.

See Section 7920.505 (“system of record”).

§ 7922.705. “System of record”

7922.705. For purposes of this article, “system of record” means a system that serves as an original source of data within an agency.

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

§ 7922.710. Creation of catalog

7922.710. (a) In implementing this division, each local agency, except a local educational agency, shall create a catalog of enterprise systems.

(b) The local agency shall complete and post the catalog as required by this article by July 1, 2016, and thereafter shall update the catalog annually.

Comment. Subdivision (a) of Section 7922.710 continues the first sentence of former Section 6270.5(a) without substantive change.

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

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

§ 7922.715. Availability of catalog

7922.715. (a) The catalog of enterprise systems required by Section 7922.710 shall be made publicly available upon request in the office of the person or officer designated by the agency’s legislative body.

(b) If the agency has an Internet Web site, the catalog shall be posted in a prominent location on the agency’s Internet Web site.

Comment. Subdivision (a) of Section 7922.715 continues the second sentence of former Section 6270.5(a) without substantive change.

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

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

§ 7922.720. Content of catalog

7922.720. (a) The catalog of enterprise systems required by Section 7922.710 shall disclose a list of the enterprise systems utilized by the agency.

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

(1) Current system vendor.

(2) Current system product.

(3) A brief statement of the system’s purpose.
(4) A general description of categories or types of data.
(5) The department that serves as the system’s primary custodian.
(6) How frequently system data is collected.
(7) How frequently system data is updated.
(c) If, on the facts of the particular case, the public interest served by not
disclosing the information described in paragraph (1) or (2) of subdivision (b)
clearly outweighs the public interest served by disclosure of the record, the local
agency may instead provide a system name, brief title, or identifier of the system.

Comment. Subdivisions (a) and (b) of Section 7922.720 continue the fourth sentence of
former Section 6270.5(a) without substantive change.
Subdivision (c) continues former Section 6270.5(e) without substantive change.
See Sections 7922.700 (“enterprise system”), 7920.505 (“local agency”).

§ 7922.725. Construction of article

7922.725. (a) This article shall not be interpreted to limit a person’s right to
inspect public records pursuant to this division.
(b) Nothing in this article shall be construed to permit public access to records
held by an agency to which access is otherwise restricted by statute or to alter the
process for requesting a public record, as set forth in this division.

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

<table>
<thead>
<tr>
<th>Existing Provision</th>
<th>Proposed Provision(s)</th>
<th>Existing Provision</th>
<th>Proposed Provision(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6245, 2nd sent</td>
<td>7920.300</td>
<td>6253.9(g)</td>
<td>7922.575(a)</td>
</tr>
<tr>
<td>6250</td>
<td>7921.000</td>
<td>6253.9(f)</td>
<td>7922.580(a)</td>
</tr>
<tr>
<td>6251</td>
<td>7920.000</td>
<td>6253.9(e)</td>
<td>7922.570(c)</td>
</tr>
<tr>
<td>6252(a)</td>
<td>7920.505</td>
<td>6253.9(d)</td>
<td>7922.580(b)</td>
</tr>
<tr>
<td>6252(b)</td>
<td>7920.510</td>
<td>6253.9(c)</td>
<td>7922.580(c)</td>
</tr>
<tr>
<td>6252(c)</td>
<td>7920.515</td>
<td>6253.9(b)</td>
<td>7922.580(b)</td>
</tr>
<tr>
<td>6252(d)</td>
<td>7920.520(a)</td>
<td>6253.9(a)</td>
<td>7922.680</td>
</tr>
<tr>
<td>6252(e)</td>
<td>7920.525</td>
<td>6254</td>
<td>7921.500</td>
</tr>
<tr>
<td>6252(f)</td>
<td>7920.535</td>
<td>6254.5 1st sent</td>
<td>7921.505(a)</td>
</tr>
<tr>
<td>6252(g)</td>
<td>7920.540</td>
<td>6254.5(a)- (i)</td>
<td>7921.505(b)</td>
</tr>
<tr>
<td>6252.5</td>
<td>7921.305</td>
<td>6254.5</td>
<td>7920.530</td>
</tr>
<tr>
<td>6252.7</td>
<td>7921.310</td>
<td>6254.27</td>
<td>7922.205</td>
</tr>
<tr>
<td>6253(a) 1st sent</td>
<td>7922.525(a)</td>
<td>6254.28</td>
<td>7922.210</td>
</tr>
<tr>
<td>6253(a) 2nd sent</td>
<td>7922.525(b)</td>
<td>6254.29</td>
<td>7922.200</td>
</tr>
<tr>
<td>6253(b)</td>
<td>7922.530</td>
<td>6255(a)</td>
<td>7922.000</td>
</tr>
<tr>
<td>6253(c) 1st, 4th sent</td>
<td>7922.535(a)</td>
<td>6255(b)</td>
<td>7922.540(a)</td>
</tr>
<tr>
<td>6253(c) 2nd, 3rd sent</td>
<td>7922.535(b)</td>
<td>6255.5</td>
<td>7921.300</td>
</tr>
<tr>
<td>6253(c) 5th sent</td>
<td>7922.535(c)</td>
<td>6260</td>
<td>7920.200</td>
</tr>
<tr>
<td>6253(d) 1st sent</td>
<td>7922.500</td>
<td>6263</td>
<td>7921.700</td>
</tr>
<tr>
<td>6253(d) 2nd sent</td>
<td>7922.540(b)</td>
<td>6264</td>
<td>7921.705</td>
</tr>
<tr>
<td>6253(e)</td>
<td>7922.505</td>
<td>6265</td>
<td>7921.710</td>
</tr>
<tr>
<td>6253(f) 1st sent</td>
<td>7922.545(a)</td>
<td>6267</td>
<td>7921.010</td>
</tr>
<tr>
<td>6253(f) 2nd sent</td>
<td>7922.545(b)</td>
<td>6270.5(a) 1st sent</td>
<td>7922.710(a)</td>
</tr>
<tr>
<td>6253.1(a)- (c)</td>
<td>7922.600</td>
<td>6270.5(a) 2nd sent</td>
<td>7922.715(a)</td>
</tr>
<tr>
<td>6253.1(d)</td>
<td>7922.605</td>
<td>6270.5(a) 3rd sent</td>
<td>7922.715(b)</td>
</tr>
<tr>
<td>6253.3</td>
<td>7921.005</td>
<td>6270.5(a) 4th sent</td>
<td>7922.720(a), (b)</td>
</tr>
<tr>
<td>6253.4(a) 1st ¶</td>
<td>7922.630</td>
<td>6270.5(b)</td>
<td>7922.725(a)</td>
</tr>
<tr>
<td>6253.4(a) 2nd ¶</td>
<td>7922.635</td>
<td>6270.5(c)(1)</td>
<td>7922.700(a)</td>
</tr>
<tr>
<td>6253.4(b)</td>
<td>7922.640</td>
<td>6270.5(c)(2)</td>
<td>7922.705</td>
</tr>
<tr>
<td>6253.9 intro cl 1st part</td>
<td>7922.570(a)</td>
<td>6270.5(c)(3)</td>
<td>7922.700(b)</td>
</tr>
<tr>
<td>6253.9 intro cl 2nd part, (a)(1), (a)(2) 1st sent</td>
<td>7922.570(b)</td>
<td>6270.5(d)</td>
<td>7922.725(b)</td>
</tr>
<tr>
<td>6253.9(a)(2) 2nd sent</td>
<td>7922.575(a)</td>
<td>6270.5(e)</td>
<td>7922.720(c)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6270.5(f)</td>
<td>7922.710(b)</td>
</tr>
</tbody>
</table>
### 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.

<table>
<thead>
<tr>
<th>Proposed Provision</th>
<th>Existing Provision(s)</th>
<th>Proposed Provision</th>
<th>Existing Provision(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>7920.000</td>
<td>6251</td>
<td>7922.525(b)</td>
<td>6253(a) 2nd sent</td>
</tr>
<tr>
<td>7920.005</td>
<td>new</td>
<td>7922.530</td>
<td>6253(b)</td>
</tr>
<tr>
<td>7920.100</td>
<td>new</td>
<td>7922.535(a)</td>
<td>6253(c) 1st, 4th sent</td>
</tr>
<tr>
<td>7920.105</td>
<td>new</td>
<td>7922.535(b)</td>
<td>6253(c) 2nd, 3rd sent</td>
</tr>
<tr>
<td>7920.110</td>
<td>new</td>
<td>7922.535(c)</td>
<td>6253(c) 5th sent</td>
</tr>
<tr>
<td>7920.115</td>
<td>new</td>
<td>7922.540(a)</td>
<td>6255(b)</td>
</tr>
<tr>
<td>7920.120</td>
<td>new</td>
<td>7922.540(b)</td>
<td>6253(d) 2nd sent</td>
</tr>
<tr>
<td>7920.200</td>
<td>6260</td>
<td>7922.540(c)</td>
<td>new</td>
</tr>
<tr>
<td>7920.300</td>
<td>6245, 2nd sent</td>
<td>7922.545(a)</td>
<td>6253(f) 1st sent</td>
</tr>
<tr>
<td>7920.500</td>
<td>new</td>
<td>7922.545(b)</td>
<td>6253(f) 2nd sent</td>
</tr>
<tr>
<td>7920.505</td>
<td>6252(a)</td>
<td>7922.570(a)</td>
<td>6253.9 intro cl, 1st part</td>
</tr>
<tr>
<td>7920.510</td>
<td>6252(b)</td>
<td>7922.570(b)</td>
<td>6253.9 intro cl, 1st part</td>
</tr>
<tr>
<td>7920.515</td>
<td>6252(c)</td>
<td>7922.570(c)</td>
<td>6253.9 intro cl, 1st part</td>
</tr>
<tr>
<td>7920.520(a)</td>
<td>6252(d)</td>
<td>7922.570(c)</td>
<td>6253.9 intro cl, 1st part</td>
</tr>
<tr>
<td>7920.520(b)</td>
<td>new</td>
<td>7922.575(a)</td>
<td>6253.9(a)(2) 2nd sent</td>
</tr>
<tr>
<td>7920.525</td>
<td>6252(e)</td>
<td>7922.575(b)</td>
<td>6253.9(b)</td>
</tr>
<tr>
<td>7920.530</td>
<td>6254.24</td>
<td>7922.580(a)</td>
<td>6253.9(c)</td>
</tr>
<tr>
<td>7920.535</td>
<td>6252(f)</td>
<td>7922.580(b)</td>
<td>6253.9(e)</td>
</tr>
<tr>
<td>7920.540</td>
<td>6252(g)</td>
<td>7922.580(c)</td>
<td>6253.9(f)</td>
</tr>
<tr>
<td>791.000</td>
<td>6250</td>
<td>7922.580(d)</td>
<td>6253.9(g)</td>
</tr>
<tr>
<td>7921.005</td>
<td>6253.3</td>
<td>7922.580(b)</td>
<td>6253.9(a)(2) 2nd sent</td>
</tr>
<tr>
<td>7921.010</td>
<td>6270</td>
<td>7922.600</td>
<td>6253.1(a)-(c)</td>
</tr>
<tr>
<td>7921.300</td>
<td>6257.5</td>
<td>7922.605</td>
<td>6253.1(d)</td>
</tr>
<tr>
<td>7921.305</td>
<td>6252.5</td>
<td>7922.630</td>
<td>6253.4(a) 1st ¶</td>
</tr>
<tr>
<td>7921.310</td>
<td>6252.7</td>
<td>7922.635</td>
<td>6253.4(a) 2nd ¶</td>
</tr>
<tr>
<td>7921.500</td>
<td>6254 next-to-last ¶</td>
<td>7922.640</td>
<td>6253.4(b)</td>
</tr>
<tr>
<td>7921.505(a)</td>
<td>6254.5 1st sent</td>
<td>7922.680</td>
<td>6253.10</td>
</tr>
<tr>
<td>7921.505(b)</td>
<td>6254.5(a)-(i)</td>
<td>7922.700(a)</td>
<td>6270.5(e)(1)</td>
</tr>
<tr>
<td>7921.700</td>
<td>6263</td>
<td>7922.700(b)</td>
<td>6270.5(e)(3)</td>
</tr>
<tr>
<td>7921.705</td>
<td>6264</td>
<td>7922.705</td>
<td>6270.5(e)(2)</td>
</tr>
<tr>
<td>7922.110</td>
<td>6265</td>
<td>7922.710(a)</td>
<td>6270.5(a) 1st sent</td>
</tr>
<tr>
<td>7922.200</td>
<td>6254.29</td>
<td>7922.710(b)</td>
<td>6270.5(f)</td>
</tr>
<tr>
<td>7922.205</td>
<td>6254.27</td>
<td>7922.715(a)</td>
<td>6270.5(a) 2nd sent</td>
</tr>
<tr>
<td>7922.210</td>
<td>6254.28</td>
<td>7922.715(b)</td>
<td>6270.5(a) 3rd sent</td>
</tr>
<tr>
<td>7922.500</td>
<td>6253(d) 1st sent</td>
<td>7922.720(a), (b)</td>
<td>6270.5(a) 4th sent</td>
</tr>
<tr>
<td>7922.505</td>
<td>6253(c)</td>
<td>7922.720(c)</td>
<td>6270.5(e)</td>
</tr>
<tr>
<td>7922.525(a)</td>
<td>6253(a) 1st sent</td>
<td>7922.725(a)</td>
<td>6270.5(b)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7922.725(b)</td>
<td>6270.5(d)</td>
</tr>
</tbody>
</table>
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.