

Memorandum 2019-31

California Public Records Act Clean-Up (Draft of Tentative Recommendation)

Attached for the Commission’s consideration is a complete draft of a tentative recommendation to recodify the California Public Records Act (“CPRA”)¹ in a more user-friendly manner without substantive change. Also attached is the following exhibit:

Exhibit p.

- Examples of Legislative Findings Under Section 3 of Article I of the California Constitution (From Pending Bills) 1

Some issues relating to the attached draft are discussed below. **After resolving those issues, the Commission will need to decide whether to approve the attached draft as a tentative recommendation (with or without revisions), to be posted to the Commission’s website and broadly circulated for comment.**

Unless otherwise indicated, all statutory references in this memorandum are to the Government Code.

PRELIMINARY PART

In addition to proposed legislation and accompanying Comments, the attached draft includes a narrative explanation of the proposal (otherwise known as the “preliminary part” of the tentative recommendation). This narrative explanation is new, so Commissioners and other interested persons should review it carefully. **Any suggestions for improvement of the preliminary part would be much appreciated.**

1. Gov’t Code §§ 6250-6276.48.

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

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

CROSS-REFERENCES IN THE COMMENTS

In October of last year, the Commission directed:

When the staff prepares a complete draft of a tentative recommendation for the Commission to consider, the staff should review all of the proposed Comments, insert additional references to related statutory material as appears appropriate, and bring those suggested revisions to the Commission's attention.²

As the Commission directed, the staff reviewed the Comments in the proposed recodification and added references to related statutory material. The revisions are too pervasive to individually describe.

Almost all of the Comments now consist of (1) some material that is unique (or almost unique) to the particular code section in question, and (2) a brief "road map" to the CPRA. The Comment to proposed Section 7921.300 is typical:

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

For other provisions that prohibit discrimination in disclosing information under the California Public Records Act ("CPRA"), see Sections 7921.305 and 7921.310. For rules relating to voluntary disclosure, see Sections 7921.500-7921.505. For rules that specifically address disclosure to a district attorney, see Sections 7921.700-7921.710.

For general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For procedural rules governing requests for public records and related matters, see Sections 7922.500-7922.725; see also Sections 7923.000-7923.510 (enforcement).

For special rules applicable to specific types of public records, see Sections 7923.600-7929.610; see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010 (restricting agency's ability to transfer public record or otherwise relinquish control over its disclosure).

For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect of CPRA recodification). For references to some other bodies of law governing public records, see Section 7920.000 Comment.

See Section 7920.530 ("public records").

2. Minutes (Oct. 2018), p. 4.

The expanded Comments are intended to be helpful to persons using the CPRA. **Commissioners and other interested persons should review them and consider whether to make any revisions.** Are the “road maps” worth including? Would it be better to limit each Comment to material that is unique (or almost unique) to the particular code section in question? Should any other revisions be made?

DEFINITIONS

The second sentence of existing Section 6254.5 defines “agency” for purposes of that section:

6254.5. ... For purposes of this section, “agency” includes a member, agent, officer, or employee of the agency acting within the scope of his or her membership, agency, office, or employment.

Early in this study, the staff recommended recodifying this definition in “Chapter 2. Definitions” of the proposed recodification.³ The staff explained that “[a]lthough this definition currently applies only to Section 6254.5, it seems reasonably likely that the Legislature might want to apply the definition to some other CPRA provisions in the future.”⁴ The Commission agreed with the staff’s recommendation on this point.⁵

Since then, the Commission has decided that “[a]s a general rule, a definition that applies only to a single code section should remain in close proximity to that code section.”⁶ It has also become clear that “Chapter 2. Definitions” will consist almost entirely of definitions that apply to the whole CPRA.

Given these circumstances, the staff now thinks that the definition of “agency” should be recodified with the substance of Section 6254.5, instead of in “Chapter 2. Definitions.” We followed that approach in preparing the attached draft (see proposed Section 7921.505(a)). We also renumbered as needed to reflect this relocation and standardize the numbering in “Chapter 2. Definitions.”

Are these revisions acceptable to the Commission?

3. Memorandum 2017-60, pp. 3-4.

4. *Id.*

5. See Minutes (Dec. 2018), p. 6.

6. Minutes (Feb. 2019), p. 7.

SOCIAL SECURITY NUMBERS

Article 2 of Chapter 3 of Part 2 of the proposed recodification (proposed Sections 7922.200-7922.210) contains several provisions relating to social security numbers. In previous drafts, that article was entitled “Truncation of Social Security Numbers and Related Matters.”

On further reviewing the content of the article, however, the staff realized that one of the provisions in it (proposed Section 7922.200) calls for redaction of social security numbers, not truncation. We therefore changed the title of the article to “Redaction and Truncation of Social Security Numbers and Related Matters.”

Is this change acceptable to the Commission?

DEPARTMENT OF HEALTH CARE SERVICES VS. DEPARTMENT OF PUBLIC HEALTH

In a separate study, the Commission circulated a tentative recommendation proposing some technical corrections of Health and Safety Code Section 131052.⁷ Upon receiving comments on the tentative recommendation from the Health Officers Association of California and the California Department of Public Health (“CDPH”), the Commission decided not to go forward with most of the proposed revisions.⁸

The commenters agreed, however, that a provision of the CPRA (Section 6254(s)) erroneously refers to the Department of Health Care Services, instead of CDPH. The reference in question is shown in italics below:

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

....

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

....

Based on the input received, the Commission decided to consider correcting that problem in this study of the CPRA.⁹

7. See Tentative Recommendation on *Technical and Minor Substantive Statutory Corrections: Health and Safety Code Section 131052* (Oct. 2018).

8. See Minutes (Feb. 2019), p. 9.

9. *Id.*

The commenters appear to be correct that Section 6254(s) should refer to CDPH, not the Department of Health Care Services. In fact, Health and Safety Code Section 131052(7) already says: “For purposes of subdivision (s) of Section 6254 of the Government Code, the term “State Department of Health Services” is hereby deemed to refer to the State Department of Public Health.”

In light of Section 131052(7), replacement of “State Department of Health Services” with “State Department of Public Health” in Section 6254(s) would be a technical correction, not a substantive change. Accordingly, the attached draft would (1) make such a correction in proposed Section 7926.000 (the provision that would continue Section 6254(s)) and (2) note the correction in the accompanying Comment:

§ 7926.000. Final accreditation report of Joint Commission on Accreditation of Hospitals

7926.000. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this division does not require the disclosure of a final accreditation report of the Joint Commission on Accreditation of Hospitals that has been transmitted to the State Department of Public Health pursuant to subdivision (b) of Section 1282 of the Health and Safety Code.

Comment. Section 7926.000 continues former Section 6254(s) without substantive change. An erroneous reference to the Department of Health Care Services has been replaced with a reference to the State Department of Public Health. See Health & Safety Code § 131052(7); 2005 Cal. Stat. ch. 670, § 1.5.

For other provisions of the California Public Records Act (“CPRA”) that relate specifically to health care, see

Is this treatment of the matter satisfactory?

COMPUTER SOFTWARE (SECTION 6254.9; PROPOSED SECTION 7922.585)

Existing Section 6254.9 concerns computer software developed by a state or local agency. It provides:

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

(b) As used in this section, “computer software” includes computer mapping systems, computer programs, and computer graphics systems.

(c) This section shall not be construed to create an implied warranty on the part of the State of California or any local agency

for errors, omissions, or other defects in any computer software as provided pursuant to this section.

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

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

The Commission previously decided to recodify the substance of Section 6254.9 in “Chapter 9. Miscellaneous Public Records” of “Part 5. Specific Types of Public Records” of the proposed recodification.¹⁰ That placement now strikes the staff as problematic, because Section 6254.9(a) expressly states that “[c]omputer software developed by a state or local agency is not itself a public record under this chapter.”

In the attached draft, the staff moved the substance of Section 6254.9 to “Article 3. Information in Electronic Format” of “Chapter 1. Request for a Public Record” of “Part 3. Procedures” of the proposed recodification.¹¹ See proposed Section 7922.585.

Is this revision acceptable to the Commission?

CPRA INDEX

In April, the Commission considered how to handle Article 2 of the CPRA¹² (commonly known as the “CPRA index”) in the proposed recodification. The Commission decided to retain the current, alphabetical format of the CPRA index, but solicit comment on whether to switch to some other format.¹³

The attached draft would implement that decision. See proposed Sections 7930.000-7930.215. **Commissioners and other interested persons should review that part of the attached draft particularly carefully, because it is new material.**

A few issues relating to that material are discussed below.

10. See Memorandum 2018-66, Attachment p. 4; Minutes (Dec. 2018), pp. 4-5; Memorandum 2018-64, Attachment p. 9; Minutes (Dec. 2018), p. 4.

11. The staff also made some conforming revisions.

12. Sections 6275-6276.48.

13. See *Draft Minutes* (April 2019), p. 6.

Problematic Entries in the CPRA Index

In preparing the proposed continuation of the CPRA index, the staff checked each of the numerous provisions listed in the CPRA index, to see if they still exist and still contain pertinent material.

Some of the entries in the CPRA index are problematic. Here is a list of the problems, which also explains how the staff addressed each problem in preparing the attached draft:

- (1) Section 6276.02 includes an entry for: “Acquired Immune Deficiency Syndrome, confidentiality of test results of person convicted of prostitution, Section 1202.6, Penal Code.” However, Penal Code Section 1202.6 was recently repealed and added, and the new provision has nothing to do with confidentiality of AIDS test results.¹⁴ The staff is unsure whether there is a new provision that should be listed in the CPRA index instead of the repealed section. Because we could not readily find a clear replacement, and the CPRA index is just a user guide that does not purport to be exhaustive, we omitted the quoted entry in preparing proposed Section 7930.105. The accompanying Comment would explain the omission and a Note would solicit input on the matter.
- (2) Section 6276.04 includes an entry for: “Auditor General, access to records for audit purposes, Sections 10527 and 10527.1.” Section 6276.04 also includes an entry for: “Auditor General, disclosure of audit records, Section 10525.” However, Sections 10525, 10527, and 10527.1 have been repealed.¹⁵ The staff is unsure whether there are any new provisions that should be listed in the CPRA index instead of the repealed sections. Because we could not readily find clear replacements, and the CPRA index is just a user guide that does not purport to be exhaustive, we omitted the two entries quoted above in preparing proposed Section 7930.110. The accompanying Comment would explain the omission and a Note would solicit input on the matter.
- (3) Section 6276.06 includes an entry for: “Bank employees, confidentiality of criminal history information, Sections 777.5 and 4990, Financial Code.” However, Financial Code Section 777.5 has been repealed.¹⁶ Again, the staff could not readily find any clear replacement. Thus, we included the quoted entry in preparing proposed Section 7930.115, but it would only refer to Financial Code Section 4990. The accompanying Comment would explain the omission of Financial Code Section 777.5 and a Note would solicit input on the matter.

14. See 2017 Cal. Stat. ch. 537, § 17.

15. See 2011 Cal. Stat. ch. 328, § 12.

16. See 2008 Cal. Stat. ch. 125, § 53.

- (4) Section 6276.06 includes the following entry: “Bank reports, confidentiality of, Section 289, Financial Code.” However, Financial Code Section 289 has been repealed¹⁷ and its substance has been relocated to Financial Code Section 459.¹⁸ Proposed Section 7930.115 would thus refer to Financial Code Section 459, instead of Financial Code Section 289. The accompanying Comment would explain this revision and a Note would solicit input on the matter.
- (5) Section 6276.10 includes an entry for: “Community care facilities, confidentiality of client information, Section 1557.5, Health and Safety Code.” There are two, almost identical versions of Section 1557.5 in the Health and Safety Code. Without further research, the staff does not fully understand why. Because the two sections are almost identical, there is no need to pursue the point in this study. Like existing Section 6276.10, proposed Section 7930.125 would simply refer to “Section 1557.5, Health and Safety Code.” To help persons reviewing the proposal, a Note would explain the situation.
- (6) Section 6276.12 includes the following entry: “Contractor, license applicants, evidence of financial solvency, confidentiality of, Section 7067.5, Business and Professions Code.” However, Business and Professions Code Section 7067.5 has been repealed.¹⁹ There does not appear to be any replacement; Section 7067.5’s requirement to submit evidence of financial solvency seems to have been eliminated in the bill that repealed the section and increased the amount of the required bond. The staff therefore omitted the quoted entry in preparing proposed Section 7930.130. The accompanying Comment would explain the omission and a Note would solicit input on the matter.
- (7) Section 6276.14 includes an entry for: “Developmentally disabled person, confidentiality of patient records, state agencies, Section 4553, Welfare and Institutions Code.” However, Welfare and Institutions Code Section 4553 has been repealed and replaced by a new provision that has nothing to do with record disclosure.²⁰ The substance of former Section 4553 has been moved to Welfare and Institutions Code Section 4552.5.²¹ Proposed Section 7930.135 would thus refer to Welfare and Institutions Code Section 4552.5, instead of Welfare and Institutions Code Section 4553. The accompanying Comment would explain this revision and a Note would solicit input on the matter.
- (8) Section 6276.16 includes an entry for: “Educational psychologist-patient, privileged communication, Section 1010.5, Evidence

17. See 2011 Cal. Stat. ch. 243, § 1.

18. Compare 2008 Cal. Stat. ch. 501, § 9 with Fin. Code § 458.

19. See 2015 Cal. Stat. ch. 656, § 8.

20. See 2002 Cal. Stat. ch. 676, § 21.

21. Compare 1977 Cal. Stat. ch. 1252, § 550 with Welf. & Inst. Code § 4552.5.

Code.” In determining how to recodify that entry, the staff noticed that Evidence Code Section 1010.5 contains an incorrect cross-reference: It refers to “an educational psychologist licensed under Article 5 (commencing with Section 4986) of Chapter 13 of Division 2 of the Business and Professions Code.” Educational psychologists are no longer licensed under that article; they are now licensed under Chapter 13.5 (commencing with Section 4989.10) of Division 2 of the Business and Professions Code. Because this error is in Evidence Code Section 1010.5, not in the CPRA index, it may be best to check if the Office of Legislative Counsel could fix it in the annual maintenance of the codes bill. If that does not work out, the Commission could address it in a study on technical corrections.

- (9) Section 6276.18 includes an entry for: “Firearms, centralized list of exempted federal firearms licensees, disclosure of information compiled from, *Sections 24850 to 24890, inclusive, Penal Code.*”²² The italicized cross-reference is incorrect; there are no such sections in the Penal Code. The numbers were inadvertently transposed in conforming the cross-reference when the Commission’s deadly weapons recodification was enacted. The correct cross-reference is to Penal Code Sections 28450 to 28490, inclusive.

However, this should perhaps be shortened to refer only to Penal Code Sections 28475 and 28480, because the other code sections in the specified range appear to have nothing to do with record disclosure. They were just included in the Section 6276.18 entry because historically they used to be in the same lengthy code section as the material that is now in Sections 28475 and 28480.²³ To help persons using the CPRA index focus on pertinent material, proposed Section 7930.145 would refer only to Sections 28475 and 28480. The accompanying Comment would explain this revision and a Note would solicit input on the matter.

- (10) Section 6276.18 includes an entry for: “Firearms, centralized list of dealers and licensees, disclosure of information compiled from, Sections 26700 to 26915, inclusive, Penal Code.” This entry should perhaps be shortened to refer only to Penal Code Section 26715, because the other code sections in the specified range appear to have nothing to do with record disclosure. They were just included in the Section 6276.18 entry because historically they used to be in the same lengthy code section as the material that is now in Penal Code Section 26715.²⁴ To help persons using the exemption index focus on pertinent material, proposed Section 7930.145 would refer only to Penal Code Section 26715. The

22. Emphasis added.

23. See former Penal Code § 12083 (2009 Cal. Stat. ch. 334, § 4), which was repealed in 2010 and recodified as Penal Code §§ 28450-28490).

24. See former Penal Code § 12071 (2009 Cal. Stat. ch. 335, § 10), which was repealed in 2010 and recodified as Penal Code §§ 26700-26915).

accompanying Comment would explain this revision and a Note would solicit input on the matter.

- (11) Section 6276.18 includes an entry for: “Firearm sale or transfer, confidentiality of records, Chapter 5 (commencing with Section 28050) of Division 6 of Title 4 of Part 6, Penal Code.” This entry should perhaps be shortened to refer only to Penal Code Section 28060, because the other code sections in the specified range appear to have nothing to do with record disclosure. They were just included in the Section 6276.18 entry because historically they used to be in the same lengthy code section as the material that is now in Penal Code Section 28060.²⁵ To help persons using the exemption index focus on pertinent material, proposed Section 7930.145 would refer only to Penal Code Section 28060. The accompanying Comment would explain this revision and a Note would solicit input on the matter.
- (12) Section 6276.24 includes an entry for: “Hazardous waste control, business plans, public inspection, Section 25506, Health and Safety Code.” However, the version of Health and Safety Code Section 25506 relating to record disclosure was repealed in 2013.²⁶ The current version of Health and Safety Code Section 25506 has nothing to do with record disclosure. The substance of former Health and Safety Code Section 25506 appears to have been moved (with revisions) to Health and Safety Code Section 25509.²⁷ Proposed Section 7930.155 would thus refer to Health and Safety Code Section 25509, instead of Health and Safety Code Section 25506. The accompanying Comment would explain this revision and a Note would solicit input on the matter.
- (13) Section 6276.24 includes an entry for: “Hazardous waste control, trade secrets, disclosure of information, Sections 25511 and 25538, Health and Safety Code.” However, the version of Health and Safety Code Section 25511 relating to record disclosure was repealed in 2013.²⁸ The current version of Health and Safety Code Section 25511 has nothing to do with record disclosure. The substance of former Health and Safety Code Section 25511 appears to have been moved (with revisions) to Health and Safety Code Sections 25512 and 25512.1.²⁹ Proposed Section 7930.155 would thus refer to Health and Safety Code Sections 25512 and 25512.1, instead of Health and Safety Code Section 25511. The accompanying Comment would explain this revision and a Note would solicit input on the matter.

25. See former Penal Code § 12082 (2008 Cal. Stat. ch. 699, § 20), which was repealed in 2010 and recodified as Chapter 5 (commencing with Section 28050) of Division 6 of Title 4 of Part 6 of the Penal Code).

26. See 2013 Cal. Stat. § 419, § 2.

27. Compare 1988 Cal. Stat. ch. 1585, § 7 with Health & Safety Code § 25509.

28. See 2013 Cal. Stat. ch. 419, § 2.

29. Compare 1985 Cal. Stat. ch. 1167, § 1 with Health & Safety Code §§ 25512, 25512.1.

- (14) Section 6276.26 includes an entry for “Influenza vaccine, trade secret information and information relating to recipient of vaccine, Section 120155, Health and Safety Code.” However, the version of Health and Safety Code Section 120155 relating to trade secrets and record disclosure³⁰ has been amended and renumbered as Health and Safety Code Section 120160.³¹ The current version of Health and Safety Code Section 120155 has nothing to do with record disclosure. Proposed Section 7930.160 would thus refer to Health and Safety Code Section 120160, instead of Health and Safety Code Section 120155. The accompanying Comment would explain this revision and a Note would solicit input on the matter.
- (15) Section 6276.26 also includes an entry for: “In forma pauperis litigant, rules governing confidentiality of financial information, Section 68511.3.” However, Section 68511.3 has been repealed.³² Similar (but not identical) material relating to record disclosure is now located in Section 68633.³³ Proposed Section 7930.160 would thus refer to Section 68633, instead of Section 68511.3. The accompanying Comment would explain this revision and a Note would solicit input on the matter. This drafting approach does not pose any risk of a substantive change, because the CPRA index is just an aid for CPRA users (not substantive law).³⁴
- (16) Another entry in Section 6276.26 is for: “Insurance Commissioner, information from examination or investigation, confidentiality of, Sections 1215.7, 1433, and 1759.3, Insurance Code.” However, the current version of Insurance Code Section 1215.7 has nothing to do with record disclosure. The version of Insurance Code Section 1215.7 relating to record disclosure³⁵ was amended and renumbered as Insurance Code Section 1215.8.³⁶ Proposed Section 7930.160 would thus refer to Insurance Code Section 1215.8, instead of Insurance Code Section 1215.7. The accompanying Comment would explain this revision and a Note would solicit input on the matter.
- (17) Section 6276.28 includes an entry for: “Labor dispute, investigation and mediation records, confidentiality of, Section 65, Labor Code.” However, Labor Code Section 65 has been repealed.³⁷ Its substance has been moved to Section 3601.³⁸ Proposed Section 6278.28 would thus refer to Section 3601,

30. 2007 Cal. Stat. ch. 130, § 174.

31. See 2015 Cal. Stat. ch. 303, § 347.

32. See 2008 Cal. Stat. ch. 462, § 1.

33. Compare former Section 68511.3(a)(4)-(5) & (c)(1) (2006 Cal. Stat. ch. 538, § 326) with Section 68633(f).

34. See proposed Section 7930.000 (existing Section 6275).

35. 1969 Cal. Stat. ch. 1275, § 1.

36. See 2012 Cal Stat. ch. 282, § 8.

37. See 2012 Cal. Stat. ch. 46, § 78.

38. Compare former Labor Code Section 65 (1997 Cal. Stat. ch. 772, § 11) with Section 3601.

instead of Labor Code Section 65. The accompanying Comment would explain this revision and a Note would solicit input on the matter.

- (18) Section 6276.30 includes an entry for: “Managed care health plans, confidentiality of proprietary information, Section 14091.3 of the Welfare and Institutions Code.” However, Welfare and Institutions Code Section 14091.3 was repealed by its own terms on January 1, 2014.³⁹ The staff is unsure whether there is a new provision that should be listed in the CPRA index instead of the repealed section. Because we could not readily find a clear replacement, and the CPRA index is just a user guide that does not purport to be exhaustive, we omitted the quoted entry in preparing proposed Section 7930.170. The accompanying Comment would explain the omission and a Note would solicit input on the matter.
- (19) Section 6276.30 also includes an entry for: “Mentally disordered or mentally ill person, weapons restrictions, confidentiality of information about, Section 8103 of the Welfare and Institutions Code.” At present, there are two versions of Welfare and Institutions Code Section 8103: A version that will sunset by its own terms on January 1, 2020,⁴⁰ and a version that will become operative on January 1, 2020.⁴¹ However, both versions contain the same language regarding record disclosure (see subdivision (e)(3)). Consequently, proposed Section 7930.170, like existing Section 6276.30, would simply refer to “Section 8103 of the Welfare and Institutions Code.” To help persons reviewing the proposal, a Note would explain the situation.
- (20) Similarly, Section 6276.34 includes an entry for: “Persons with mental health disorders, weapons restrictions, confidentiality of information about, Section 8103, Welfare and Institutions Code.” Here again, the new section that would continue Section 6276.34 (proposed Section 7930.180) would simply refer to “Section 8103, Welfare and Institutions Code,” instead of separately identifying both versions of Welfare and Institutions Code Section 8103. To help persons reviewing the proposal, a Note would explain the situation.
- (21) Section 6276.32 includes an entry for: “Narcotic addict outpatient revocation proceeding, confidentiality of reports, Section 3152.5, Welfare and Institutions Code.” However, Welfare and Institutions Code Section 3152.5⁴² was repealed by the terms of former Welfare and Institutions Code Section 3202.⁴³ The staff is unsure whether there is a new provision that should be listed in

39. See 2012 Cal. Stat. ch. 23, § 81.

40. 2018 Cal. Stat. ch. 861, § 1.

41. 2018 Cal. Stat. ch. 861, § 2.

42. 1978 Cal. Stat. ch. 856, § 5.

43. See 2012 Cal. Stat. ch. 41, § 119.

the CPRA index instead of the repealed section. Because we could not readily find a clear replacement, and the CPRA index is just a user guide that does not purport to be exhaustive, we omitted the quoted entry in preparing proposed Section 7930.175. The accompanying Comment would explain the omission and a Note would solicit input on the matter.

- (22) Section 6276.34 includes an entry for: “Payment instrument licensee records, inspection of, Section 33206, Financial Code.” However, Financial Code Section 33206⁴⁴ has been repealed.⁴⁵ The staff is unsure whether there is a new provision that should be listed in the CPRA index instead of the repealed section. Because we could not readily find a clear replacement, and the CPRA index is just a user guide that does not purport to be exhaustive, we omitted the quoted entry in preparing proposed Section 7930.180. The accompanying Comment would explain the omission and a Note would solicit input on the matter.
- (23) Another entry in existing Section 6276.34 is for: “Physician and surgeon, rehabilitation and diversion records, confidentiality of, Section 2355, Business and Professions Code.” However, Business and Professions Code Section 2355⁴⁶ has been repealed.⁴⁷ The staff has not found any new provision that continues the substance of the former Business and Professions Code Section 2355; the diversion programs to which it pertained appear to have been discontinued. Thus, proposed Section 7930.180 would not include the entry quoted above. The accompanying Comment would explain this omission and a Note would solicit input on the matter.
- (24) Section 6276.36 includes an entry for: “Public Employees’ Retirement System, confidentiality of data filed by member or beneficiary with board of administration, Section 20134.” However, Section 20134 has been repealed⁴⁸ and its substance has been moved to Section 20230.⁴⁹ Proposed Section 7930.185 would thus refer to Section 20230, instead of Section 20134. The accompanying Comment would explain this revision and a Note would solicit input on the matter.

44. 1978 Cal. Stat. ch. 856, § 5.

45. Financial Code Section 33206 (1996 Cal. Stat. ch. 1064, § 712) was part of the Payment Instruments Law (former Fin. Code § 33000 *et seq.*), which was repealed by a bill enacted in 2010. See 2010 Cal. Stat. ch. 612, § 4. That bill also repealed the Money Abroad Law (former Fin. Code § 1800 *et seq.*) and the Travelers Check Act (former Fin. Code § 1851 *et seq.*). Much of the substance of these three repealed bodies of law was consolidated into the Money Transmission Act (Fin. Code §§ 1800-1872). See, e.g., Senate Committee on Banking, Finance & Insurance Analysis of AB 2789 (June 30, 2010).

46. 2000 Cal. Stat. ch. 836, § 12.

47. See 2005 Cal. Stat. ch. 674, § 16 (sunset clause, operative Jan. 1, 2009).

48. See 1995 Cal. Stat. ch. 379, § 1.

49. Compare 1985 Cal. Stat. ch. 1508, § 1 with Section 20230.

- (25) Section 6276.36 also includes an entry for: “Pupil records, disclosure in hearing to dismiss or suspend school employee, Section 44944.1, Education Code.” However, Education Code Section 44944.1 was repealed and added, and the new provision does not address record disclosure.⁵⁰ The substance of the repealed provision has been moved to Education Code Section 44944.3.⁵¹ Proposed Section 7930.135 would refer to Education Code Section 44944.3, instead of Education Code Section 44944.1. The accompanying Comment would explain this revision and a Note would solicit input on the matter.
- (26) Section 6276.38 includes an entry for: “Residential care facilities for the elderly, confidentiality of client information, Section 1569.315, Health and Safety Code.” There are two versions of Section 1569.315 in the Health and Safety Code.⁵² Both versions require a residential care facility for the elderly to keep and protect “the privacy and confidentiality of” certain records. Most of the differences between the versions are stylistic, but only one version applies to “the ... address ... of the client’s physician”⁵³ Like existing Section 6276.38, proposed Section 7930.190 would simply refer to “Section 1569.315, Health and Safety Code.” A Note would solicit input on whether this is the best way to handle the situation.
- (27) Section 6276.40 includes an entry for: “Social security number, applicant for driver’s license or identification card, nondisclosure of, Section 1653.5, Vehicle Code” At present, there are two versions of Vehicle Code Section 1653.5, with different rules governing when they are operative.⁵⁴ Both versions restrict disclosure of the social security number of an applicant for a driver’s license or identification card. For that reason, and because only one version will be operative at a time, proposed Section 7930.195, like existing Section 6276.40, would simply refer to “Section 1653.5, Vehicle Code” A Note would solicit input on the matter.
- (28) Section 6276.42 includes an entry for: “State Teachers’ Retirement System, confidentiality of information filed with the system by a member, participant, or beneficiary, Sections 22306 and 26215, Education Code.” However, Education Code Section 26215 has been repealed, apparently because it was considered redundant with Education Code Section 22306.⁵⁵ Thus, proposed Section 7930.200 would include the entry quoted above, but it would

50. See 2014 Cal. Stat. ch. 55, §§ 17, 18.

51. Compare 1985 Cal. Stat. ch. 324, § 3 (former Educ. Code § 44944.1) with Educ. Code § 44944.3.

52. 1985 Cal. Stat. ch. 869, § 4; 1985 Cal. Stat. ch. 1096, § 5.

53. 1985 Cal. Stat. ch. 869, § 4.

54. See 2014 Cal. Stat. ch. 452, § 2, and (2) 2014 Cal. Stat. ch. 71, § 168.

55. See 2017 Cal. Stat. ch. 298, § 11; Senate Committee on Public Employment & Retirement Analysis of AB 1325 (July 10, 2017), p. 5.

only refer to Education Code Section 22306. The accompanying Comment would explain the omission of Education Code Section 26215. A Note would solicit input on the matter.

- (29) Section 6276.44 includes an entry for: “Trust companies, disclosure of private trust confidential information, Section 1582, Financial Code.” However, Financial Code Section 1582 was repealed and added in 2011, and the new provision has nothing to do with disclosure of private trust confidential information.⁵⁶ The substance of the repealed provision was moved to Financial Code Section 1602.⁵⁷ Accordingly, proposed Section 7930.205 would refer to Financial Code Section 1602, instead of Financial Code Section 1582. The accompanying Comment would explain this revision and a Note would solicit input on the matter.

Is the staff’s proposed treatment of these points acceptable to the Commission? Should any of them be handled differently?

Comments on these matters would be helpful. It would be particularly useful to hear about appropriate replacements, if any, for the repealed provisions that the staff found in Article 2’s list of exemptions. The staff does not plan to individually raise each of the above-described 29 points for discussion at the upcoming meeting, **so please be prepared to speak up** (or express your views in writing before the meeting) **if you have a concern about any of them.**

CPRA Exemptions That Are Not Included in the CPRA Index

In preparing the continuation of the CPRA index (proposed Sections 7930.000-7930.215), the staff did not search for provisions that belong in the CPRA index but are not currently included. That would be a big project, and Section 6275 expressly states that the CPRA index “may not be inclusive of all exemptions.”⁵⁸

Although the staff did not do such research, we are already aware of some omissions. For example, the CPRA index does not include an entry for the mediation confidentiality provisions in the Evidence Code (Evid. Code §§ 1115-1129). Similarly, we noticed several other omissions:

- California’s constitutional right of privacy (art. I, § 1) is not included in the CPRA index.

56. See 2011 Cal. Stat. ch. 243, §§ 1, 3.

57. Compare former Fin. Code § 1582 (1996 Cal. Stat. ch. 1064, § 212) with Fin. Code § 1602.

58. See also Section 6276, which states: “Records or information not required to be disclosed pursuant to subdivision (k) of Section 6254 *may include, but shall not be limited to*, records or information identified in statutes listed in this article.” (Emphasis added.)

- Section 6254(p) is included in the CPRA index, but the alphabetized description of it only encompasses the content of subdivision (p)(1) (proposed Section 7928.405), not the content of subdivision (p)(2) (proposed Section 7928.410).
- Section 6254.1(c) is included in the CPRA index, but the alphabetized description of it does not encompass the part of Section 6254.1(c) that would continued in proposed Section 7929.600.
- Penal Code Section 11105.03(f) is not included in the CPRA index.⁵⁹

There probably are more such omissions.

Dealing with this matter in the current study would complicate and slow down the progress of the study. Instead, the Commission might want to address it in a separate study pursuant to its authority to “study and recommend revisions to correct technical or minor substantive defects in the statutes of the state”⁶⁰

Does the Commission have any interest in that possibility? Would it like to solicit comments on that possibility in its tentative recommendation?

LEGISLATIVE FINDINGS

Section 3 of Article I of the California Constitution provides:

SEC. 3. (a) The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.

(b)(1) The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.

(2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision, shall be broadly construed if it furthers the people’s right of access, and narrowly construed if it limits the right of access. *A statute, court rule, or other authority adopted after the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.*

(3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures

59. Penal Code Section 11105.03(f) is not the same as Penal Code Section 11105.3, which is included in the CPRA index.

60. Section 8298.

governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.

(4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that a person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided in Section 7.

(5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings of public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.

(6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions; nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.

(7) In order to ensure public access to the meetings of public bodies and the writings of public officials and agencies, as specified in paragraph (1), each local agency is hereby required to comply with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), and with any subsequent statutory enactment amending either act, enacting a successor act, or amending any successor act that contains findings demonstrating that the statutory enactment furthers the purposes of this section.⁶¹

Legislative findings pursuant to this constitutional provision might not be necessary in the current study, because the proposed recodification would only continue existing law, not add any new provision limiting access to public records. Nonetheless, it seems prudent to include some legislative findings in the Commission's proposal.

At the end of the proposed legislation, the attached draft includes the following legislative findings:

61. Emphasis added.

Legislative findings

SEC. _____. This act would recodify the California Public Records Act (Sections 6250 to 6276.48, inclusive, of the Government Code) in a more user-friendly manner without changing its substance, and make conforming revisions. Consistent with subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature finds and declares:

(1) This act continues the existing substantive balance between the public's right of access to information concerning the conduct of public business and competing interests. This act does not impose any new limitation on the public's right of access, which would require findings demonstrating the interest protected by the new limitation and the need for protecting that interest.

(2) By making the California Public Records Act more user-friendly, this act furthers the public's right of access to information concerning the conduct of public business.

Are these legislative findings satisfactory as drafted? Does anyone have suggestions for improvement?

To assist the Commission in evaluating the legislative findings shown above, the staff searched for similar findings in bills pending in the Legislature. Examples of such findings are presented in Exhibit pages 1-4.

DELAYED OPERATIVE DATE

In general, a bill passed by the Legislature and signed by the Governor becomes operative on January 1 of the year after its enactment.⁶² In some instances, a bill may specify a different operative date.⁶³

Often, for example, a major piece of legislation will have a six-month or one-year delayed operative date, to afford time for a smooth transition. The Commission recently took that approach in its nonsubstantive recodification of the deadly weapon statutes (one-year delayed operative date),⁶⁴ its recommendation on the Uniform Adult Guardianship and Protective Jurisdiction Act (same), and in other studies.

A delayed operative date may also be appropriate in the current proposal, to give persons who would be affected by the CPRA recodification an

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

63. See, e.g., *Preston v. State Bd. of Equalization*, 25 Cal. 4th 197, 223-23, 19 P.3d 1148, 105 Cal. Rptr. 2d 407 (2001); *Cline v. Lewis*, 175 Cal. 315, 318 (1917); *Johnston v. Alexis*, 153 Cal. App. 3d 33, 40 (1984).

64. See *Nonsubstantive Reorganization of Deadly Weapon Statutes*, 38 Cal. L. Revision Comm'n Reports 217, 941 (2009).

opportunity to update resources (manuals, regulations, etc.) and otherwise prepare for the transition to the new statutory scheme.

At the end of the proposed legislation, the attached draft thus includes the following uncodified provision:

Operative date

SEC. _____. This act becomes operative on _____.

Does the Commission wish to include such a provision in its proposed recodification? If so, what operative date would the Commission like to use?

CONFORMING REVISIONS

As previously reported, approximately 600 statutory cross-references to the CPRA, located throughout the codes, will have to be updated if the Commission's proposed recodification is enacted. The staff is still working on those conforming revisions. We will present them to the Commission for review when we have a complete draft ready.

Because the conforming revisions will be bulky and they are not yet complete, the staff recommends putting them in a separate tentative recommendation, not in the tentative recommendation presenting the proposed CPRA recodification itself. **Is that approach acceptable to the Commission?**

APPROVAL OF A TENTATIVE RECOMMENDATION

After resolving the issues discussed above, and any other issues that are raised at or before the upcoming meeting, **the Commission will need to decide whether to approve the attached draft as a tentative recommendation (with or without revisions), to be posted to the Commission's website and circulated broadly for comment.**

If the Commission approves a tentative recommendation at the upcoming meeting, it probably will be possible to circulate the tentative recommendation, consider the comments on it, and approve a final recommendation in time to introduce a bill in 2020. If the Commission waits until later to approve a tentative

recommendation, it might still be possible to introduce a bill in 2020, but that will be less likely.

Respectfully submitted,

Barbara Gaal
Chief Deputy Counsel

**EXAMPLES OF LEGISLATIVE FINDINGS UNDER SECTION 3 OF
ARTICLE I OF THE CALIFORNIA CONSTITUTION
(FROM PENDING BILLS)**

From AB 450 (Irwin & Mathis), as amended 4/3/19:

SEC. 8. The Legislature finds and declares that Section 1 of this act, which amends Section 29041 of the Food and Agricultural Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

Because disclosing the location of apiaries within the state could put those apiaries at risk, it is necessary to limit the public's right of access to that information.

From AB 654 (Blanca Rubio), as introduced:

SEC. 3. The Legislature finds and declares that Section 1 of this act, which amends Section 6254.16 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act balances the right of the public in general, and governmental agencies in particular, to access relevant information about utility operations and customers, to ensure that appropriate respect is shown for individual privacy.

From AB 700 (Friedman), as amended 4/4/19:

SEC. 4. The Legislature finds and declares that Section 2 of this act, which amends Section 6254 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

The act balances the right of the public to access information of public postsecondary educational institutions and the interest of public postsecondary educational institutions and their faculty to conduct research on, and communicate about, significant and publicly relevant topics, thereby furthering the purposes of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

From AB 941 (Cunningham & Eduardo Garcia), as amended 3/21/19:

SEC. 2. The Legislature finds and declares that Section 1 of this act, which adds Section 186.37 to the Penal Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect the safety of certain victims of, and witnesses to, crimes, including specified gang-related offenses, it is necessary to permit those victims and witnesses to provide evidence that an articulable threat exists that supports a conclusion that the disclosure of their name would endanger their safety.

From AB 980 (Kalra), as amended 3/18/19:

SEC. 2. The Legislature finds and declares that Section 1 of this act, which amends Section 1808.4 of the Vehicle Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(a) The need to protect the privacy of investigators of adult abuse and social workers addressing adult abuse from the public disclosure of their home addresses outweighs the interest in public disclosure of that information.

(b) The need to protect the privacy of the public guardian, public conservator, and public administrator of each county and their staff in discharging their duties to investigate and respond to guardian and conservatorship referrals for Californians who may be significantly impaired in their ability to care for themselves from the public disclosure of their home addresses outweighs the interest in public disclosure of that information.

From AB 1069 (Rodriguez), as amended 3/26/19:

SEC. 2. The Legislature finds and declares that Section 1 of this act, which amends Section 6254 of the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to address the privacy of the general public, witnesses, and victims of crime, it is necessary to place criteria on the release of body-worn camera audio and video recordings.

From AB 1184 (Gloria), as amended 3/25/19:

SEC. 2. The Legislature finds and declares that Section 1 of this act, which adds Section 6253.32 to the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act furthers the right of public access to the writings of local public officials and local agencies by requiring that public agencies preserve for at least 2 years every writing transmitted by electronic mail.

From AB 1491 (Oberholte), as amended 3/25/19:

SEC. 3. The Legislature finds and declares that Section 1 of this act, which amends Section 6254.21 of the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The need to protect the personal, private information of public officials and their families, while preserving the public's right to access information concerning the conduct of the people's business, outweighs the interest in the public disclosure of that information.

From AB 1782 (Chau), as amended 3/25/19:

SEC. 3. The Legislature finds and declares that Section 2 of this act, which amends Section 6254 of the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The need to protect the privacy of individuals from the public disclosure of information captured by an automated license plate recognition system outweighs the interest in the public disclosure of that information.

From AB 1819 (Committee on Judiciary), as amended 3/28/19:

SEC. 2. The Legislature finds and declares that Section 1 of this act, which amends Section 6253 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to

paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

It is in the public interest, and it furthers the purposes of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, to ensure that members of the public can copy or reproduce records with their own equipment without charge or delay.

From SB 557 (Jones), as introduced:

SEC. 2. The Legislature finds and declares that Section 1 of this act, which adds Section 1369.5 to the Penal Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect the privacy of defendants with respect to personal information contained within expert reports that are prepared as part of mental competency examinations, it is necessary that those expert reports be presumptively confidential, except as otherwise provided by law.

From SB 615 (Hueso), as introduced:

SEC. 3. The Legislature finds and declares that Sections 1 and 2 of this act, which amends [sic] Sections 6258 and 6259 of the Government Code, furthers [sic], within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act furthers the purposes of the California Public Records Act by promoting speedy resolution of conflicts relating to disclosure of records.

From SB 749 (Durazo), as amended 3/27/19:

SEC. 3. The Legislature finds and declares that Sections 1 and 2 of this act, which add Sections 6254.34 and 6259.5 to the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

It is in the public interest to ensure that the records identified in Section 1 of this act are not considered trade secrets and are subject to disclosure under the California Public Records Act and to ensure that reverse public records actions are conducted in a manner that adequately protects the public's right of access to public records.

CALIFORNIA LAW REVISION COMMISSION

STAFF DRAFT

TENTATIVE RECOMMENDATION

California Public Records Act Clean-Up

May 2019

The purpose of this tentative recommendation is to solicit public comment on the Commission's tentative conclusions. A comment submitted to the Commission will be part of the public record. The Commission will consider the comment at a public meeting when the Commission determines what, if any, recommendation it will make to the Legislature. It is just as important to advise the Commission that you approve the tentative recommendation as it is to advise the Commission that you believe revisions should be made to it.

COMMENTS ON THIS TENTATIVE RECOMMENDATION SHOULD BE RECEIVED BY THE COMMISSION NOT LATER THAN **xxxx.**

The Commission will often substantially revise a proposal in response to comment it receives. Thus, this tentative recommendation is not necessarily the recommendation the Commission will submit to the Legislature.

California Law Revision Commission
c/o UC Davis School of Law
Davis, CA 95616
650-494-1335
<commission@clrc.ca.gov>

SUMMARY OF TENTATIVE RECOMMENDATION

The California Public Records Act (“CPRA”) was enacted in 1968 to promote public access to public records, while also recognizing competing interests. In enacting the CPRA, the Legislature, “mindful of the right of individuals to privacy,” found and declared that “access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.”

Since its enactment, the CPRA has been revised over and over again, in piecemeal fashion. This has resulted in a statute that is poorly organized and cumbersome for members of the public to use and understand, impeding fulfillment of the goals underlying the CPRA.

To address that problem, the Legislature asked the Law Revision Commission to study the CPRA on a priority basis and prepare a report containing recommended legislation that would make the CPRA more user-friendly, without changing its substance. More specifically, the Legislature asked the Commission to develop legislation that would:

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

The Commission has been studying the CPRA as directed. This tentative recommendation is its current draft of the requested report. In preparing this draft, the Commission has taken great care to ensure that the proposed recodification of the CPRA would not make any substantive change in the law.

The Commission seeks comments on this tentative recommendation. Comments from knowledgeable persons (whether positive, negative, or more nuanced) are crucial in the Commission’s study process.

This tentative recommendation was prepared pursuant to Resolution Chapter 158 of the Statutes of 2018.

CALIFORNIA PUBLIC RECORDS ACT CLEAN-UP

1 In 2016, the Legislature directed the Law Revision Commission to conduct a
2 strictly nonsubstantive clean-up of the California Public Records Act (“CPRA”)¹
3 and related provisions. The Legislature requested that the Commission complete
4 this work “as soon as possible, considering the Commission’s preexisting duties
5 and workload demands”²

6 This tentative recommendation presents a complete draft of a proposed
7 recodification of the CPRA to make it more user-friendly, without changing its
8 substance. The Commission seeks comments on the proposed recodification.

9 The history and purposes of the CPRA are discussed briefly below, followed by
10 a discussion of the history and purposes of this study. The Commission then
11 describes the general character and noteworthy features of the proposed
12 recodification, as well as the methodology used in preparing it.

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

15 **History and Purposes of the CPRA**

16 The CPRA was enacted in 1968 to promote public access to public records,
17 while also recognizing competing interests.³ In enacting the CPRA, the
18 Legislature, “mindful of the right of individuals to privacy, “found and declared
19 that “access to information concerning the conduct of the people’s business is a
20 fundamental and necessary right of every person in this state.”⁴

21 “[P]eople in an open society do not demand infallibility from their institutions,
22 but it is difficult for them to accept what they are prohibited from observing.”⁵ The
23 CPRA thus serves “a crucial function.”⁶ As the California Supreme Court has
24 explained:

25 Implicit in the democratic process is the notion that government should be
26 accountable for its actions. In order to verify accountability, individuals must have

1. Gov’t Code §§ 6250-6276.48.

2. 2016 Cal. Stat. res. ch. 150 (ACR 148 (Chau)); see also 2018 Cal. Stat. res. ch. 158 (SCR 91 (Roth)) (reaffirming Commission’s authority to study CPRA).

3. See 1968 Cal. Stat. ch. 1473.

4. 1968 Cal. Stat. ch. 1473, § 39 (Gov’t Code § 6250).

5. *Richmond Newspapers v. Virginia*, 448 U.S. 555, 572 (1980).

6. *City of San Jose v. Superior Court*, 2 Cal. 5th 608, 615, 389 P.3d 848, 214 Cal. Rptr. 3d 274 (2017).

1 access to government files. Such access permits checks against the arbitrary
2 exercise of official power and secrecy in the political process.⁷

3 Although public access to public records is of great importance, it must
4 sometimes yield to a competing interest.⁸ Thus, the CPRA “contains numerous
5 exemptions to the requirement of public disclosure, many of which are designed to
6 protect individual privacy.”⁹ Under the CPRA, the public “is entitled to inspect
7 public records unless one of the exemptions ... applies.”¹⁰

8 The CPRA thus strikes “a careful balance” between the right of public access
9 and competing considerations.¹¹ Since its enactment, the Legislature has
10 continually refined that balance, adjusting the statutory scheme over and over
11 again in an incremental manner as new issues surfaced.¹²

12 Due to the piecemeal nature of these repeated reforms, the CPRA has developed
13 into a complicated tangle of statutory provisions. In its present form, it is hard for
14 users (especially non-lawyers) to comprehend and follow, and hard for the
15 Legislature to place new material where it logically belongs.

16 Here are a few illustrations:

- 17 • Instead of being grouped together, provisions with the same subject matter
18 are sometimes separated in ways that can make key material hard to find.
19 For example, Section 6254(f) is a long and complicated exemption
20 pertaining to law enforcement records, with multiple caveats, qualifications,
21 exceptions, and exceptions to the exceptions. Sections 6254.30 and 6262

7. *Id.*, quoting Internat’l Federation of Professional and Technical Engineers, Local 21, AFL-CIO v. Superior Court, 42 Cal. 4th 319, 328-29, 165 P.3d 488, 64 Cal. Rptr. 3d 693 (2007) (internal quotation marks omitted).

8. *City of San Jose*, 2 Cal. 5th at 615; see, e.g., *Commission on Peace Officer Standards & Training v. Superior Court*, 42 Cal. 4th 278, 288, 165 P.3d 462, 64 Cal. Rptr. 3d 661 (2007).

9. *Commission on Peace Officer Standards & Training*, 42 Cal. 4th at 288.

10. *Id.*

11. *City of San Jose*, 2 Cal. 5th at 616; see also *Copley Press, Inc. v. Superior Court*, 39 Cal. 4th 1272, 1282, 141 P.3d 288, 48 Cal. Rptr. 3d 183 (2006) (Judicial decisions interpreting CPRA “seek to balance the public right to access to information, the government’s need, or lack of need, to preserve confidentiality, and the individual’s right to privacy.”).

The statutory balancing of competing interests in the CPRA is similar to the interplay between two sometimes conflicting provisions of the California Constitution: the people’s right of access to information concerning the conduct of the people’s business (Cal. Const. art. I, § 3) and the right of privacy (Cal. Const. art. I, § 1). See, e.g., *City of San Jose*, 2 Cal. 5th at 616 (“Similarly, while the Constitution provides for public access, it does not supersede or modify existing privacy rights.”); *Commission on Peace Officer Standards & Training*, 42 Cal. 4th at 288 (comparing balancing in California Constitution with balancing in CPRA).

12. See, e.g., Assembly Committee on Judiciary Analysis of ACR 148 (April 19, 2016), p. 3 (“Since the enactment of the CPRA, it has been amended multiple times to exempt certain records.”); Senate Committee on Judiciary Analysis of ACR 148 (June 14, 2016), p. 4 (referring to “nearly 50 years of amendments to the CPRA”).

1 clarify aspects of Section 6254(f), but they are not referenced in, or located
2 in proximity to, Section 6254(f).¹³

- 3 • Other CPRA provisions are buried amongst unrelated material. Section
4 6254.7(c), governing records of a housing or building violation, is a good
5 example. It could easily be overlooked, because it is located in the middle of
6 Section 6254.7, surrounded by pollution-related material.
- 7 • To place new material where it seemed to belong, the Legislature has at
8 times resorted to unsystematic decimal numbering (e.g., Sections 6254.1,
9 6254.10, 6254.4.5). This is potentially confusing, because it is difficult to
10 determine the proper sequence of those code sections and thus can be
11 difficult to find them.
- 12 • At other times, the Legislature has added new material on a subject to an
13 already overlong statute that addresses the same subject and other topics.
14 This necessitates cumbersome labeling, such as Section 6254(f)(4)(B)(ii)(I).
15 Such labeling makes it hard for CPRA users to readily refer to the material
16 in question.

17 Problems like these impede fulfillment of the purposes underlying the CPRA.

18 **History and Purposes of the Commission’s Study**

19 In 2016, the Legislature recognized and decided to address the problems
20 described above. That year, Assembly Member Chau authored the biennial
21 legislative resolution regarding topics assigned to the Commission for study. At
22 the request of the Assembly Committee on Judiciary, he included the following
23 new study in the resolution:

24 Resolved, That the Legislature authorizes and requests that the California Law
25 Revision Commission study, report on, and prepare recommended legislation as
26 soon as possible, considering the commission’s preexisting duties and workload
27 demands, concerning the revision of the portions of the California Public Records
28 Act and related provisions, and that this legislation shall accomplish all of the
29 following objectives:

- 30 (1) Reduce the length and complexity of current sections.
- 31 (2) Avoid unnecessary cross-references.
- 32 (3) Neither expand nor contract the scope of existing exemptions to the general
33 rule that records are open to the public pursuant to the current provisions of the
34 Public Records Act.
- 35 (4) To the extent compatible with (3), use terms with common definitions.
- 36 (5) Organize the existing provisions in such a way that similar provisions are
37 located in close proximity to one another.
- 38 (6) Eliminate duplicative provisions.
- 39 (7) Clearly express legislative intent without any change in the substantive
40 provisions¹⁴

13. Similarly, Section 6254(l) is a CPRA exemption for “[c]orrespondence of and to the Governor or employees of the Governor’s office or in the custody of or maintained by the Governor’s Legal Affairs Secretary.” Sections 6268 and 6268.5 also concern access to the Governor’s records, but they are not referenced in, or located in proximity to, Section 6254(l).

1 An analysis for the Assembly Committee on Judiciary explained the need for
2 such a study:

3 The CPRA, signed into law in 1968 as a general record keeping law, allows the
4 public to monitor government activity. Since the enactment of the CPRA, it has
5 been amended multiple times to exempt certain records. ... Due to the multiple
6 changes to the statute, *the CPRA has become difficult for the public to*
7 *understand*.¹⁵

8 Similarly, an analysis for the Senate Committee on Judiciary explained:

9 Because of nearly 50 years of amendments to the CPRA, *the CPRA has become*
10 *more difficult to understand*. Making it easier for the public to understand their
11 rights to access government information will arguably lead to more access to
12 public records and more government accountability.¹⁶

13 The Legislature passed the resolution near the end of the legislative session
14 without anyone voting against it.

15 Soon afterwards, the Commission began examining the CPRA as requested. It
16 has been steadily building this tentative recommendation since then.

17 **Scope of Study**

18 As originally introduced, the legislative resolution instructed the Commission to
19 “study, report on, and prepare recommended legislation ... concerning the revision
20 of *the portions of the Government Code relating to public records ...*”¹⁷ It was not
21 clear whether the study was to encompass all Government Code provisions
22 relating to public records, or only those relating to *inspection* of public records. It
23 was also uncertain at best whether the Commission could examine any related
24 provisions located outside the Government Code, such as statutes that cross-refer
25 to the CPRA.

26 Later, however, the resolution was amended to instruct the Commission to
27 “study, report on, and prepare recommended legislation ... concerning the revision
28 of ... *the California Public Records Act and related provisions ...*”¹⁸ Given this
29 amendment, the Commission’s authority appears to be limited to public records

14. 2016 Cal. Stat. res. ch. 150 (ACR 148 (Chau)); see also 2018 Cal. Stat. res. ch. 158 (SCR 91 (Roth)).

15. Assembly Committee on Judiciary Analysis of ACR 148 (April 19, 2016), p. 3 (emphasis added).

16. Senate Committee on Judiciary Analysis of ACR 148 (June 14, 2016), p. 4 (emphasis added).

17. ACR 148 (Chau), as introduced on March 3, 2016 (emphasis added).

18. Due to what appears to have been an inadvertent error, the 2016 resolution referred to “*the portions of the California Public Records Act and related provisions ...*” See 2016 Cal. Stat. res. ch. 150 (ACR 148 (Chau)). The italicized language was deleted when the Commission’s authority to study the CPRA was reaffirmed in 2018. See 2018 Cal. Stat. res. ch. 158 (SCR 91 (Roth)).

1 *inspection* law, not other aspects of public records law (e.g., laws governing
2 retention of public records¹⁹ or criminalizing conduct relating to public records²⁰).

3 Importantly, however, the Commission’s authority does not appear to be
4 restricted to the Government Code. Rather, the Commission may examine
5 provisions located elsewhere, so long as they relate to the CPRA. The Commission
6 is thus authorized not only to prepare a recodification of the CPRA, but also to
7 recommend conforming revisions of the many statutes throughout the codes that
8 cross-refer to the CPRA.

9 Whether the Commission is authorized to go beyond conforming revisions and
10 suggest additional clean-up of record inspection laws other than the CPRA (e.g.,
11 the Richard McKee Transparency Act of 2011²¹) is not obvious from the language
12 of the resolution requesting this study. To move the study forward promptly, and
13 keep any resulting legislation manageable in size, the Commission has not done so.

14 **Nonsubstantive Reform**

15 In directing the Commission to study the CPRA, the Legislature said that the
16 Commission’s recommended legislation should “[c]learly express legislative intent
17 *without any change* in the substantive provisions” and “[n]either *expand nor*
18 *contract* the scope of existing exemptions to the general rule that records are open
19 to the public pursuant to the current provisions of the Public Records Act.”²² The
20 Legislature thus made clear that the Commission’s work was to be entirely
21 nonsubstantive in nature.

22 The Commission took extreme care to abide by that limitation in preparing this
23 tentative recommendation. The specific measures it took to prevent any
24 substantive change are described below.

25 ***Objective and Participatory Study Process***

26 The Commission’s study process is well-suited to the development of a
27 nonsubstantive reform of the CPRA, for the following reasons:

- 28 • The Commission is neutral and objective, with a long history of nonpartisan
29 statutory reforms.²³
- 30 • The Commission is experienced in drafting legislation to recodify a complex
31 body of law without substantive change.²⁴

19. See, e.g., Sections 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 Sections 12270-12279 (State Records Management Act).

20. See, e.g., Sections 6200-6203.6

21. Sections 92950-92961.

22. 2016 Cal. Stat. res. ch. 150 (emphasis added).

23. For a listing of reforms that have been enacted on the Commission’s recommendation, see the most recent version of its *Annual Report* (available at www.clrc.ca.gov).

- 1 • The Commission actively solicits input from affected individuals and
2 interest groups. It carefully considers each comment and often makes
3 revisions in response to concerns raised.
- 4 • In proposing a statutory reform, the Commission prepares a thorough report
5 that explains the purpose and effect of the reform. The report also includes a
6 complete draft of the proposed legislation and accompanying commentary, a
7 detailed table of contents, and a table showing the disposition of every
8 affected section. This report facilitates public review of the proposed reform.
- 9 • The Commission’s work is transparent. All materials are publicly
10 distributed. All deliberations are conducted at open public meetings.²⁵

11 *Commission Comments*

12 In preparing a recommendation, the Commission drafts an explanatory
13 “Comment” for every section that is added, amended, or repealed.²⁶ A Comment
14 indicates the derivation of the section and often explains its relation to other law.

15 Virtually every Comment in this tentative recommendation expressly states that
16 a proposed new code section continues an existing code section “without
17 substantive change.”²⁷ That is important because upon enactment of the
18 Commission’s recommendation, the Comment would become a key aid in
19 determining legislative intent.

20 On completion of a final recommendation in this study, the Commission will
21 present the full recommendation, including the Comments, to the Legislature and
22 the Governor. If a bill is introduced to implement the recommendation, the
23 Commission will provide the full recommendation to each member of every policy
24 committee that reviews the bill.

25 Commission materials that have been placed before and considered by the
26 Legislature are considered evidence of legislative intent,²⁸ and are entitled to great

24. See, e.g., *Nonsubstantive Reorganization of Deadly Weapon Statutes*, 38 Cal. L. Revision Comm’n Reports 217 (2009) (enacted as 2010 Cal. Stat. chs. 178 & 711, with support from both gun control and gun rights groups); *Civil Discovery: Nonsubstantive Reform*, 33 Cal. L. Revision Comm’n Reports 789 (2003) (enacted as 2004 Cal. Stat. ch. 182, without any “no” votes).

25. For a more thorough description of the Commission’s study process, see CLRC Staff Memorandum 2012-1; B. Gaal, *Evidence Legislation in California*, 36 Sw. U. L. Rev. 561 (2008); see also http://www.clrc.ca.gov/Menu5_about/process.html.

26. In the proposed legislation presented in this tentative recommendation, the Comment for each proposed code section appears immediately after the code section.

27. For example, the Comment to proposed Section 7921.705 states that it “continues former Section 6264 without substantive change.” The Comment refers to the existing provision as “former Section 6264” (rather than “Section 6264”) because the Comment would be used after enactment of the proposed law and repeal of the existing version of the CPRA.

28. See, e.g., *Fair v. Bakhtiari*, 40 Cal. 4th 189, 195, 147 P.3d 653, 51 Cal. Rptr. 3d 871 (2006) (“The Commission’s official comments are deemed to express the Legislature’s intent.”); *People v. Williams*, 16 Cal. 3d 663, 667-68, 547 P.2d 1000, 128 Cal. Rptr. 888 (1976) (“The official comments of the California

1 weight in construing statutes.²⁹ The materials are a key interpretive aid for
2 practitioners as well as courts,³⁰ and courts may judicially notice and rely on
3 them.³¹ Courts at all levels of the state³² and federal³³ judicial systems use
4 Commission materials to construe statutes enacted on Commission
5 recommendation.³⁴

6 The Commission’s Comments to the proposed legislation in this study would
7 thus help to demonstrate that the legislation constitutes a purely nonsubstantive
8 recodification of the CPRA.

9 ***Statements of Legislative Intent***

10 The proposed law would be known as the “CPRA Recodification Act of 2020.”³⁵
11 It includes several codified provisions that would expressly state the purpose and
12 effect of the recodification.

13 Proposed Section 7920.100 is a general statement regarding the nonsubstantive
14 effect of the recodification:

Law Revision Commission on the various sections of the Evidence Code are declarative of the intent not only of the draft[ers] of the code but also of the legislators who subsequently enacted it.”).

29. See, e.g., *Dep’t of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Bd.*, 40 Cal. 4th 1, 12-13 n.9, 145 P.3d 462, 50 Cal. Rptr. 585 (2006) (Commission’s official comments are persuasive evidence of Legislature’s intent); *Hale v. S. Cal. IPA Med. Group, Inc.*, 86 Cal. App. 4th 919, 927, 103 Cal. Rptr. 2d 773, 778 (2001) (In discerning legislative intent, Law Revision Commission reports are entitled to great weight).

30. See 7 B. Witkin, *Summary of California Law Constitutional Law* § 138, at 250 (11th ed. 2017) (Commission reports as aid to construction); Gaylord, *An Approach to Statutory Construction*, 5 Sw. U. L. Rev. 349, 384 (1973).

31. See, e.g., *Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.* 133 Cal. App. 4th 26, 34 Cal. Rptr. 3d 520 (2005) (providing overview of materials that may be judicially noticed in determining legislative intent); *Hale*, 86 Cal. App. 4th at 927; *Barkley v. City of Blue Lake*, 18 Cal. App. 4th 1745, 1751 n.3, 23 Cal. Rptr. 2d 315 (1993).

32. See, e.g., *Sullivan v. Delta Air Lines, Inc.*, 15 Cal. 4th 288, 298, 935 P.2d 781, 63 Cal. Rptr. 2d 74 (1997) (California Supreme Court); *Admin. Mgmt. Services, Inc. v. Fid. & Deposit Co. of Md.*, 129 Cal. App. 3d 484, 488, 181 Cal. Rptr. 141 (1982) (court of appeal); *Rossetto v. Barross*, 90 Cal. App. 4th Supp. 1, 5-6, 110 Cal. Rptr. 2d 255 (2001) (appellate division of superior court).

33. See, e.g., *California v. Green*, 399 U.S. 149, 154 n.3 (1970) (United States Supreme Court); *S. Cal. Bank v. Zimmerman (In re Hilde)*, 120 F.3d 950, 953 (9th Cir. 1997) (federal court of appeals); *Williams v. Townsend*, 283 F. Supp. 580, 582 (C.D. Cal. 1968) (federal district court); *Ford Consumer Fin. Co. v. McDonell (In re McDonell)*, 204 B.R. 976, 978-79 (B.A.P. 9th Cir. 1996) (bankruptcy appellate panel); *In re Garrido*, 43 B.R. 289, 292 (Bankr. S.D. Cal. 1984) (bankruptcy court).

34. See, e.g., *Jevne v. Superior Court*, 35 Cal. 4th 935, 947, 111 P.3d 954, 28 Cal. Rptr. 3d 685 (2005) (Commission report entitled to substantial weight in construing statute); *Collection Bureau of San Jose v. Ramsey*, 24 Cal. 4th 301, 308 & n.6, 6 P.3d 713, 99 Cal. Rptr. 2d 792 (2000) (Comments to reenacted statute reiterate the clear understanding and intent of original enactment); *Brian W. v. Superior Court*, 20 Cal. 3d 618, 623, 574 P.2d 788, 143 Cal. Rptr. 717 (1978) (Comments persuasive evidence of Legislature’s intent); *Volkswagen Pac., Inc. v. City of Los Angeles*, 7 Cal. 3d 48, 61-63, 496 P.2d 1237, 101 Cal. Rptr. 869 (1972) (Comments evidence clear legislative intent of law).

35. See proposed Section 7920.005 *infra*.

1 7920.100. Nothing in the CPRA Recodification Act of 2020 is intended to
2 substantively change the law relating to inspection of public records. The act is
3 intended to be entirely nonsubstantive in effect. Every provision of this division
4 and every other provision of this act, including, without limitation, every cross-
5 reference in every provision of the act, shall be interpreted consistent with the
6 nonsubstantive intent of the act.

7 Proposed Section 7920.105 would make clear that a provision of the proposed
8 law is intended as a restatement and continuation of the provision that it restates,
9 rather than a new enactment, and that any reference to a restated provision is
10 deemed to include a reference to the section that restates it (and vice versa):

11 7920.105. (a) A provision of this division, or any other provision of the CPRA
12 Recodification Act of 2020, insofar as it is substantially the same as a previously
13 existing provision relating to the same subject matter, shall be considered as a
14 restatement and continuation thereof and not as a new enactment.

15 (b) A reference in a statute to a previously existing provision that is restated and
16 continued in this division, or in any other provision of the CPRA Recodification
17 Act of 2020, shall, unless a contrary intent appears, be deemed a reference to the
18 restatement and continuation.

19 (c) A reference in a statute to a provision of this division, or any other provision
20 of the CPRA Recodification Act of 2020, which is substantially the same as a
21 previously existing provision, shall, unless a contrary intent appears, be deemed to
22 include a reference to the previously existing provision.

23 Another provision, proposed Section 7920.110 would make clear that
24 restatement of an existing CPRA provision is not intended to have any effect,
25 positive or negative, on a judicial interpretation of the restated provision:

26 7920.110. (a) A judicial decision interpreting a previously existing provision is
27 relevant in interpreting any provision of this division, or any other provision of the
28 CPRA Recodification Act of 2020, which restates and continues that previously
29 existing provision.

30 (b) However, in enacting the CPRA Recodification Act of 2020, the Legislature
31 has not evaluated the correctness of any judicial decision interpreting a provision
32 affected by the act.

33 (c) The CPRA Recodification Act of 2020 is not intended to, and does not,
34 reflect any assessment of any judicial decision interpreting any provision affected
35 by the act.

36 Proposed Section 7920.115 sets forth similar rules with respect to an interpretation
37 advanced in an Attorney General opinion, because such opinions are particularly
38 common and influential in this area of the law.

39 Lastly, proposed Section 7920.120 would make clear that restatement of a
40 CPRA provision is not intended to have any effect, positive or negative, on a
41 judicial decision or Attorney General opinion on the *constitutionality* of the
42 restated provision:

43 7920.120. (a) A judicial decision or Attorney General opinion on the
44 constitutionality of a previously existing provision is relevant in determining the

1 constitutionality of any provision of this division, or any other provision of the
2 CPRA Recodification Act of 2020, which restates and continues that previously
3 existing provision.

4 (b) However, in enacting the CPRA Recodification Act of 2020, the Legislature
5 has not evaluated the constitutionality of any provision affected by the act, or the
6 correctness of any judicial decision or Attorney General opinion on the
7 constitutionality of any provision affected by the act.

8 (c) The CPRA Recodification Act of 2020 is not intended to, and does not,
9 reflect any determination of the constitutionality of any provision affected by the
10 act.

11 The provisions discussed above would establish that enactment of the proposed
12 recodification should not be viewed as acquiescence in any court case or Attorney
13 General opinion construing the CPRA, or as an indication that the Legislature
14 assessed the constitutionality of each recodified section in enacting the
15 recodification. The proposed law would take no stand and have no effect on such
16 matters.

17 In addition to these codified statements of legislative intent, the proposed
18 legislation includes an uncodified provision that sets forth the following legislative
19 findings:

20 This act would recodify the California Public Records Act (Sections 6250 to
21 6276.48, inclusive, of the Government Code) in a more user-friendly manner
22 without changing its substance, and make conforming revisions. Pursuant to
23 subdivision (b) of Section 3 of Article I of the California Constitution, the
24 Legislature finds and declares:

25 (1) This act continues the existing substantive balance between the public's
26 right of access to information concerning the conduct of public business and
27 competing interests. This act does not impose any new limitation on the public's
28 right of access, which would require findings demonstrating the interest protected
29 by the new limitation and the need for protecting that interest.

30 (2) By making the California Public Records Act more user-friendly, this act
31 furthers the public's right of access to information concerning the conduct of
32 public business.

33 These legislative findings would further reinforce the nonsubstantive nature of the
34 reform.

35 *Conservative Drafting*

36 In preparing this tentative recommendation, the Commission used a conservative
37 drafting approach. It stuck closely to the existing statutory text, to further minimize
38 the risk of a substantive change.

39 The Commission was especially cautious with Section 6254(f), the exemption
40 pertaining to law enforcement records. Although that provision is particularly
41 complex and difficult to understand, the Commission refrained from attempting to

1 rephrase it more clearly.³⁶ Instead, to avoid generating concerns about a
2 substantive change, the proposed legislation would relocate the substance of
3 Section 6254(f) in a new article almost verbatim.³⁷ An adjacent article would
4 contain the substance of the related provisions previously mentioned (Sections
5 6254.30 and 6262).³⁸

6 ***Legislative Process***

7 After the Commission completes its study process and issues a final
8 recommendation, the proposed law would be scrutinized carefully in the legislative
9 process, just like any other bill. This would serve as a final safeguard against any
10 substantive change in the law.

11 **Drafting Approach**

12 As discussed above, the Commission used a conservative drafting approach in
13 preparing this tentative recommendation. Other significant drafting techniques and
14 decisions are described below.

15 ***Location of the Proposed Law***

16 The CPRA is currently codified as “Chapter 3.5. Inspection of Public Records”
17 in “Division 7. Miscellaneous” in “Title 1. General” in the Government Code. It is
18 divided into two articles:

- 19 • “Article 1. General Provisions,”³⁹ which contains the heart of the CPRA.
- 20 • “Article 2. Other Exemptions from Disclosure,”⁴⁰ which contains a list of
21 CPRA exemptions (“the CPRA index”), most of which are located outside
22 the CPRA.

23 To effectively reorganize the CPRA, it would be helpful to be able to divide the
24 material now in “Article 1. General Provisions” into various subcategories, placing
25 similar provisions together. That would further the legislative objective to
26 “[o]rganize the existing provisions in such a way that similar provisions are
27 located in close proximity to one another.”⁴¹

36. Similarly, the Commission refrained from addressing the apparently minor substantive issues that are listed at the end of its report in “Appendix B. Minor Clean-Up Issues for Possible Future Legislative Attention.”

37. See proposed Sections 7923.600-7923.625 *infra*.

38. See proposed Sections 7923.650-7923.655 *infra*.

39. Sections 6250-6270.7.

40. Sections 6275-6276.48.

41. 2016 Cal. Stat. res. ch. 150 (ACR 148 (Chau)); see also 2018 Cal. Stat. res. ch. 158 (SCR 91 (Roth)) (reaffirming Commission’s authority to study CPRA).

1 In the hierarchy of the Government Code, an article is the lowest level heading
2 used to organize code sections. Because an article cannot be further subdivided, it
3 would be difficult to effectively reorganize the CPRA in its current code location.

4 Instead, the proposed law would repeal the existing CPRA and recodify its
5 substance in a new division (Division 10) of Title 1 of the Government Code. This
6 would make it possible to divide that material into parts,⁴² chapters, and articles —
7 enough subcategories to create a user-friendly organizational scheme.⁴³

8 ***Structure of the Proposed Law***

9 New Division 10 would be divided into six parts, as follows:

10 Part 1. General Provisions.

11 Part 2. Disclosure and Exemptions Generally.

12 Part 3. Procedures.

13 Part 4. Enforcement.

14 Part 5. Specific Types of Public Records.

15 Part 6. Other Exemptions From Disclosure.

16 The content of each part is described briefly below.

17 Proposed “Part 1. General Provisions”⁴⁴ consists of two chapters. “Chapter 1.
18 Preliminary Provisions” includes the short title of the law,⁴⁵ the statements of
19 legislative intent described above,⁴⁶ and a few other preliminary provisions.⁴⁷
20 “Chapter. 2. Definitions” consists of some definitions that apply to the entire
21 CPRA.⁴⁸ That chapter also includes (1) a signpost provision alerting readers to two
22 differing definitions of “trade secret” used in the CPRA,⁴⁹ (2) the definition of
23 “elected or appointed official,” which is used in a CPRA-wide definition,⁵⁰ and (3)
24 a definition of “former Section 6254 provisions,” which will provide a convenient
25 means of collectively referring to the material that is currently located in Section

42. There is precedent for using “part” as a subheading within the Government Code. See “Division 3.6. Claims and Actions Against Public Entities and Public Employees” (Sections 810-998.3).

43. In deciding to relocate the CPRA, the Commission noted that the CPRA is currently located near several other chapters that pertain to public records (see Chapters 3, 3.01, 3.1, 3.2, and 3.3 of Division 7 of Title 1). To alert CPRA users to that material, the Commission’s Comment to the introductory provision in new Division 10 would refer each of those chapters. See proposed Section 7920.000 Comment *infra*.

44. Proposed Sections 7920.000-7920.550 *infra*.

45. Proposed Section 7920.000 *infra*.

46. Proposed Sections 7920.100-7920.120 *infra*.

47. Proposed Sections 7920.005 and 7920.200 *infra*.

48. See proposed Sections 7920.510-7920.540, 7920.550 *infra*.

49. See proposed Section 7920.545 *infra*.

50. See proposed Section 7920.500 *infra*.

1 6254 (an unmanageably long section) but would be split up in the recodification.⁵¹
2 The definitions in “Chapter 2. Definitions” would be in alphabetical order. The
3 other definitions used in the CPRA have limited application and would remain in
4 close proximity to the substantive material to which they pertain.⁵²

5 Proposed “Part 2. Disclosure and Exemptions Generally”⁵³ consists of three
6 chapters. “Chapter 1. Right of Access to Public Records” contains the legislative
7 findings and declarations for the CPRA.⁵⁴ The chapter also contains some
8 restrictions on an agency’s ability to transfer a public record or otherwise
9 relinquish control over its disclosure.⁵⁵ “Chapter 2. General Rules Governing
10 Disclosure”⁵⁶ and “Chapter 3. General Rules Governing Exemptions from
11 Disclosure”⁵⁷ contain material corresponding to their respective titles. Among
12 other things, the CPRA catch-all exemption (existing Section 6255(a)) would be in
13 “Chapter 3. General Rules Governing Exemptions from Disclosure.”⁵⁸

14 Proposed “Part 3. Procedures”⁵⁹ contains a chapter on how to request a public
15 record, which is divided into several articles.⁶⁰ The chapter includes the basic rule
16 on inspection of a public record⁶¹ and the basic rule on copying of a public
17 record.⁶² Proposed “Part 3. Procedures” also contains a second chapter, which
18 consists of the CPRA’s procedural rules governing agency regulations, guidelines,
19 systems, and similar matters.⁶³

20 Proposed “Part 4. Enforcement”⁶⁴ contains provisions relating to enforcement of
21 a CPRA request. It is divided into two chapters: (1) a chapter of general principles
22 relating to enforcement⁶⁵ and (2) a chapter of procedural provisions, which is

51. See proposed Section 7920.505 *infra*.

52. See, e.g., proposed Sections 7924.100 and 7924.105 *infra*.

53. Proposed Sections 7921.000-7922.210 *infra*.

54. See proposed Section 7921.000 *infra* (recodifying Section 6250).

55. See proposed Sections 7921.005 and 7921.010 *infra*.

56. Proposed Sections 7921.300-7921.710 *infra*.

57. Proposed Sections 7922.000-7922.210 *infra*.

58. See proposed Section 7922.000 *infra*. To help CPRA users locate the catch-all exemption, the Comments to many of the proposed new sections would refer to it.

59. Proposed Sections 7922.500-7922.725 *infra*.

60. Proposed Sections 7922.500-7922.605 *infra*.

61. Proposed Section 7922.525 *infra* (recodifying Section 6253(a)).

62. Proposed Section 7922.530 *infra* (recodifying Section 6253(b)).

63. See proposed Sections 7922.630-7922.725 *infra*.

64. Proposed Sections 7923.000-7923.510 *infra*.

65. Proposed Sections 7923.000-7923.005 *infra*.

1 further subdivided into an article on superior court procedures⁶⁶ and an article on
2 appellate review.⁶⁷

3 Proposed “Part 5. Specific Types of Public Records”⁶⁸ consists of provisions
4 (mostly exemptions) that relate to a specific type of public record. It is divided into
5 nineteen different chapters, each addressing a particular subject matter, such as
6 “Crimes, Weapons, and Law Enforcement”⁶⁹ or “Health Care.”⁷⁰ The chapters are
7 arranged in alphabetical order.

8 Lastly, proposed “Part 6. Other Exemptions From Disclosure”⁷¹ contains the
9 CPRA’s alphabetical index of exemptions,⁷² which is not substantive law but
10 rather a tool designed by the Legislature to assist CPRA users locate exemptions
11 scattered throughout the codes.⁷³ Part 6 would continue that index in essentially its
12 current, alphabetical format. The Commission considered, but tentatively rejected,
13 other possibilities,⁷⁴ such as reorganizing the index by subject matter⁷⁵ or
14 relocating all of the exemptions into the CPRA (thus separating them from other
15 substantive provisions on the same subject matter).⁷⁶ **Comments on the optimal
16 format for the CPRA index would be especially helpful.**

17 *Numbering System*

18 Throughout the proposed legislation, the Commission used a 3-digit decimal
19 system for numbering code sections (e.g., Section 7920.000). The Commission
20 also left gaps in the numbering, to allow ready insertion of new statutory material
21 in an appropriate location if needed in the future.

22 This numbering approach will prevent confusion regarding the proper
23 sequencing of code sections. It will also promote logical, user-friendly
24 organization as the CPRA continues to evolve.

66. Proposed Sections 7923.100-7923.120 *infra*.

67. Proposed Sections 7923.500-7923.510 *infra*.

68. Proposed Sections 7923.600-7929.610 *infra*.

69. Proposed Sections 7923.600-7923.805 *infra*.

70. Proposed Sections 7926.000-7926.430 *infra*.

71. Proposed Sections 7930.000-7930.215 *infra*.

72. Sections 6275-6276.48.

73. See Sections 6275-6276. For further discussion of the CPRA index, see CLRC Staff Memorandum 2019-25.

74. See CLRC Minutes (April 2019), p. 6.

75. See CLRC Staff Memorandum 2019-25, pp. 6-8 & attached “Partial Draft of ‘Part 6. Other Exemptions From Disclosure’ of Proposed New Division 10 of Title 1 of the Government Code.”

76. See CLRC Staff Memorandum 2019-25, pp. 5-6.

1 ***Short, Simple Sections***

2 The legislative resolution on this study instructs the Commission to “[r]educe the
3 length and complexity of current sections.”⁷⁷ The CPRA currently contains a
4 number of long and complicated sections, most notably Section 6254, which spans
5 eight singled-spaced pages if printed from the Legislative Counsel’s website
6 (5,583 words), with subdivisions labeled from (a) to (z) followed by (aa) to (ad),
7 most of which are split into numerous paragraphs, subparagraphs, and even some
8 unnumbered provisions.⁷⁸

9 Excessively long sections can obscure relevant details of law, especially if a
10 single section addresses several different subjects. A better approach is to divide
11 the law into a larger number of smaller sections, with each section limited to a
12 single subject.

13 Short sections have numerous advantages. They enhance readability and
14 understanding of the law, and make it easier to locate and refer to pertinent
15 material. In contrast to a long section, a short section can be amended without
16 undue technical difficulties⁷⁹ and new material can be inserted where logically
17 appropriate, facilitating sound development of the law.⁸⁰ The use of short sections
18 is the preferred drafting technique of the California Code Commission,⁸¹ the
19 Legislature,⁸² the Legislative Counsel,⁸³ and the Law Revision Commission.⁸⁴

20 For all of the reasons discussed above, the proposed law would divide lengthy
21 sections into shorter and simpler provisions. The number of sections would
22 approximately double, but the word count would not change that much.

77. 2016 Cal. Stat. res. ch. 150 (ACR 148 (Chau)); see also 2018 Cal. Stat. res. ch. 158 (SCR 91 (Roth)) (reaffirming Commission’s authority to study CPRA).

78. Other, less egregious examples in the CPRA include Sections 6253, 6254.2, 6254.18, and 6254.21.

79. The full text of a section must be set forth in any bill amending the section. Joint Rule 10. A lengthy bill entails higher printing costs than a short one. It also takes longer to review. Much of the material may be unrelated to a proposed reform, wasting reviewers’ time and potentially injecting additional issues into a simple proposal.

Further, the likelihood that two bills will be introduced to amend the same section is greater if a section is long and covers multiple topics than if a section is short and limited to a single topic. If two bills affect the same section and both are enacted, the bill that is signed last generally prevails over the other bill, rendering it a nullity. Section 9605. This can be avoided by double-jointing the bills or including other language to address the conflict. Taking such steps entails expense and effort, however, and introduces new possibilities for errors.

80. In amending a short section, the Legislature is unhampered by constraints such as overlong paragraphs and lack of available subparts. This promotes clear and straightforward drafting, as opposed to confusing and convoluted provisions.

81. California Code Commission, *Drafting Rules and Principles for Use of California Code Commission Draftsmen*, 1947-48 Report, app. G, at 4.

82. Joint Rule 8.

83. Legislative Counsel of California, *Legislative Drafting Manual* 26-28 (1975).

84. CLRC Staff Memorandum 1976-24; First Supplement to CLRC Staff Memorandum 1985-64.

1 ***Signposting in Comments***

2 In the proposed legislation, the Comment accompanying each code section
3 would refer to other provisions (particularly within the CPRA) that may be of
4 interest to users.⁸⁵ This would help CPRA users locate material relevant to their
5 situations.

6 ***Cross-References***

7 The CPRA contains numerous internal cross-references. In the proposed
8 legislation, the Commission updated each such cross-reference to reflect the new
9 numbering scheme in the recodification.

10 To facilitate review of the updated cross-references, this tentative
11 recommendation includes two tables, located immediately after the proposed
12 legislation. One table shows the disposition of each existing code section; the other
13 table shows the derivation of each proposed code section.

14 The CPRA also contains numerous cross-references to statutes located outside
15 the CPRA. The Commission checked each of those cross-references, as well as
16 each of the internal cross-references, in preparing this tentative recommendation.

17 A few of the cross-references in the current version of the CPRA are plainly
18 erroneous. Where the proper cross-reference is obvious, the Commission corrected
19 the cross-reference in the proposed legislation, rather than perpetuating the error.
20 The cross-reference corrections are explained in the accompanying Comments;
21 they are also listed and explained in Appendix A. Where the proper cross-
22 reference is not altogether obvious, the Commission left the cross-reference alone,
23 so as not to create a risk of a substantive change. Notes in the tentative
24 recommendation seek input on the problematic cross-references.

25 There are also many code sections located outside the CPRA that cross-refer to
26 one or more provisions within the CPRA. Those cross-references will also need to
27 be conformed to the new numbering scheme in the recodification. The
28 Commission will prepare and circulate a separate tentative recommendation with
29 those conforming revisions.

30 ***Pending and Future Legislation***

31 There are pending bills to revise the CPRA in one way or another.⁸⁶ If one or
32 more of those bills is enacted, the Commission will incorporate the substance of
33 the enacted bill(s) into the proposed recodification, without substantive change.

34 There are also pending bills that would affect provisions that are listed, or should
35 be listed, in the CPRA index.⁸⁷ If any of those bills is enacted, the Commission

85. See, e.g., proposed Section 7920.000 Comment & proposed Section 7921.000 Comment *infra*.

86. See, e.g., AB 54 (Ting); AB 1184 (Gloria); AB 1782 (Chau); AB 1819 (Committee on Judiciary); SB 518 (Wieckowski); SB 749 (Durazo); see also AB 289 (Fong) (proposing to create California Public Records Act Ombudsperson).

87. See, e.g., AB 800 (Chu); SB 557 (Jones).

1 will make an appropriate adjustment in the proposed continuation of the CPRA
2 index.

3 When the Commission eventually approves a final recommendation and a
4 legislator introduces a bill to implement that recommendation, there might be
5 conflicts between that bill and other pending bills (i.e., they might try to revise the
6 same code provision in different ways). If so, the Commission will recommend
7 double-jointing amendments or other steps to eliminate the conflicts and
8 coordinate the bills. The Commission will take similar steps with regard to any bill
9 that might bear on the content of the CPRA index. Any such adjustments will be
10 consistent with the nonsubstantive nature of this study.

11 *Delayed Operative Date*

12 Because of the breadth of the organizational changes that would be made by the
13 proposed legislation, the Commission recommends that it be given a delayed
14 operative date. The proposed legislation includes an uncodified provision to that
15 effect delaying the operation of the proposed law by [insert time period].

16 This delayed operation would provide time for those who work closely with the
17 affected statutes, including legal publishers, to adjust to the new organizational
18 scheme before it takes effect. The Commission's comments and the disposition
19 and derivation tables in the Commission's report would also help ease the
20 transition.

21 Although the proposed recodification would entail some transitional costs (such
22 as updating manuals and regulations), the Commission believes that the long-term
23 benefits of having a better organized, more user-friendly statutory scheme would
24 soon outweigh those transitional costs. The CPRA would become more readily
25 accessible and understandable to laypersons and other persons using it, thus
26 furthering its underlying purposes. Importantly, the new statutory scheme would
27 also afford ample room for future refinement of the CPRA, promoting sound
28 development of the law.

29 **Request for Public Comment**

30 The Commission seeks public comment on its tentative recommendation. It
31 encourages comments on any aspect of the proposal, but it would especially
32 appreciate comments on the issues identified in the Notes that accompany some of
33 the proposed legislation.

34 **Comments can be in any format and can be emailed to bgaal@clrc.ca.gov.**
35 Comments supporting the proposed approach are just as important as comments
36 suggesting changes to that approach or expressing other views.

37 Comments from knowledgeable persons are invaluable in the Commission's
38 study process.

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PROPOSED LEGISLATION

Note. 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.

Almost 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 Barbara Gaal (bgaal@clrc.ca.gov).

Gov’t Code §§ 6250-6276.48 (repealed). California Public Records Act

SEC. ____ Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code is repealed.

Gov’t Code §§ 7920.000-7930.215 (added). California Public Records Act

SEC. ____ Division 10 (commencing with Section 7920.000) is added to Title 1 of the Government Code, to read:

DIVISION 10. ACCESS TO PUBLIC RECORDS

PART 1. GENERAL PROVISIONS

CHAPTER 1. PRELIMINARY PROVISIONS

Article 1. Short Titles

§ 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”).

1 For a key constitutional provision on “access to information concerning the conduct of the
2 people’s business,” see Cal. Const. art. I, § 3(b). For legislative findings and declarations
3 underlying the CPRA, see Section 7921.000. For an alphabetical list of many CPRA exemptions
4 (most of which are located outside the CPRA), see Sections 7930.000-7930.215.

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

10 For guidance on record retention, see, e.g., Gov’t Code §§ 9080 (legislative records), 12220-
11 12237 (State Archives), 14740-14746 (State Records Storage Act), 26201-26202.6 (county
12 records), 34090-34090.8 (city records), 68150-68152 (trial court records). See also Gov’t Code §§
13 12270-12279 (State Records Management Act).

14 Many other statutes and sources of law govern public records. For instance, the following statutes
15 are located in Division 7 of this title, where the CPRA was formerly codified: Gov’t Code §§ 6200-
16 6203 (crimes relating to public records, documents and certificates), 6204-6204.4 (public records
17 protection and recovery), 6205-6210 (address confidentiality for victims of domestic violence,
18 sexual assault, and stalking), 6215-6216 (address confidentiality for reproductive health care
19 service providers, employees, volunteers, and patients), 6219 (governmental linguistics).

20 **§ 7920.005. CPRA Recodification Act of 2020**

21 7920.005. This division recodifies the provisions of former Chapter 3.5
22 (commencing with Section 6250) of Division 7 of this title. The act that added this
23 division shall be known and may be cited as the “CPRA Recodification Act of
24 2020.”

25 **Comment.** Section 7920.005 is new. It provides a convenient means of referring to the
26 recodification of former Sections 6250-6276.48. For background, see *California Public Records*
27 *Act Clean-Up*, __ Cal. L. Revision Comm’n Reports __ (2019).

28 **Note.** In drafting proposed Section 7920.005, the Commission assumed that it will approve a final
29 recommendation in this study in 2019 and seek introduction of implementing legislation in 2020.
30 The dates in Section 7920.005 and the accompanying Comment will require adjustment if those
31 assumptions prove incorrect.

32 **Article 2. Effect of Recodification**

33 **§ 7920.100. Nonsubstantive reform**

34 7920.100. Nothing in the CPRA Recodification Act of 2020 is intended to
35 substantively change the law relating to inspection of public records. The act is
36 intended to be entirely nonsubstantive in effect. Every provision of this division and
37 every other provision of this act, including, without limitation, every cross-reference
38 in every provision of the act, shall be interpreted consistent with the nonsubstantive
39 intent of the act.

40 **Comment.** Section 7920.100 is new. It is modeled on Penal Code Section 16005. It makes clear
41 that the CPRA Recodification Act of 2020 has no substantive impact. The act is intended solely to
42 make the California Public Records Act more user-friendly. For background, see *California Public*
43 *Records Act Clean-Up*, __ Cal. L. Revision Comm’n Reports __ (2019).

44 For specific guidance on the impact of a judicial decision interpreting a predecessor of a
45 provision in this division, see Section 7920.110. For specific guidance on the impact of an Attorney

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

4 See Sections 7920.005 (“CPRA Recodification Act of 2020”), 7920.530 (“public records”).

5 **§ 7920.105. Continuation of existing law**

6 7920.105. (a) A provision of this division, or any other provision of the CPRA
7 Recodification Act of 2020, insofar as it is substantially the same as a previously
8 existing provision relating to the same subject matter, shall be considered as a
9 restatement and continuation thereof and not as a new enactment.

10 (b) A reference in a statute to a previously existing provision that is restated and
11 continued in this division, or in any other provision of the CPRA Recodification Act
12 of 2020, shall, unless a contrary intent appears, be deemed a reference to the
13 restatement and continuation.

14 (c) A reference in a statute to a provision of this division, or any other provision
15 of the CPRA Recodification Act of 2020, which is substantially the same as a
16 previously existing provision, shall, unless a contrary intent appears, be deemed to
17 include a reference to the previously existing provision.

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

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

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

23 See Section 7920.005 (“CPRA Recodification Act of 2020”).

24 **§ 7920.110. Judicial decision interpreting former law**

25 7920.110. (a) A judicial decision interpreting a previously existing provision is
26 relevant in interpreting any provision of this division, or any other provision of the
27 CPRA Recodification Act of 2020, which restates and continues that previously
28 existing provision.

29 (b) However, in enacting the CPRA Recodification Act of 2020, the Legislature
30 has not evaluated the correctness of any judicial decision interpreting a provision
31 affected by the act.

32 (c) The CPRA Recodification Act of 2020 is not intended to, and does not, reflect
33 any assessment of any judicial decision interpreting any provision affected by the
34 act.

35 **Comment.** Section 7920.110 is new. It is modeled on Penal Code Section 16020.

36 Subdivision (a) makes clear that case law construing a predecessor provision is relevant in
37 construing its successor in the CPRA Recodification Act of 2020.

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

40 For specific guidance on the impact of an Attorney General opinion interpreting a predecessor
41 of a provision in this division, see Section 7920.115. For specific guidance on the impact of a
42 judicial decision or Attorney General opinion assessing the constitutionality of a predecessor of a
43 provision in this division, see Section 7920.120. For general guidance on the nonsubstantive impact
44 of the CPRA Recodification Act of 2020, see Section 7920.100.

45 See Section 7920.005 (“CPRA Recodification Act of 2020”).

1 **§ 7920.115. Attorney General opinion interpreting former law**

2 7920.115. (a) An opinion of the Attorney General interpreting a previously
3 existing provision is relevant in interpreting any provision of this division, or any
4 other provision of the CPRA Recodification Act of 2020, which restates and
5 continues that previously existing provision.

6 (b) However, in enacting the CPRA Recodification Act of 2020, the Legislature
7 has not evaluated the correctness of any Attorney General opinion interpreting a
8 provision affected by the act.

9 (c) The CPRA Recodification Act of 2020 is not intended to, and does not, reflect
10 any assessment of any Attorney General opinion interpreting any provision affected
11 by the act.

12 **Comment.** Section 7920.115 is new. It is comparable to Section 7920.110, but it pertains to
13 Attorney General opinions rather than judicial decisions.

14 Subdivision (a) makes clear that Attorney General opinions construing a predecessor provision
15 are relevant in construing its successor in the CPRA Recodification Act of 2020.

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

19 For specific guidance on the impact of a judicial decision interpreting a predecessor of a
20 provision in this division, see Section 7920.110. For specific guidance on the impact of a judicial
21 decision or Attorney General opinion assessing the constitutionality of a predecessor of a provision
22 in this division, see Section 7920.120. For general guidance on the nonsubstantive impact of the
23 CPRA Recodification Act of 2020, see Section 7920.100.

24 See Section 7920.005 (“CPRA Recodification Act of 2020”).

25 **§ 7920.120. Constitutionality**

26 7920.120. (a) A judicial decision or Attorney General opinion on the
27 constitutionality of a previously existing provision is relevant in determining the
28 constitutionality of any provision of this division, or any other provision of the
29 CPRA Recodification Act of 2020, which restates and continues that previously
30 existing provision.

31 (b) However, in enacting the CPRA Recodification Act of 2020, the Legislature
32 has not evaluated the constitutionality of any provision affected by the act, or the
33 correctness of any judicial decision or Attorney General opinion on the
34 constitutionality of any provision affected by the act.

35 (c) The CPRA Recodification Act of 2020 is not intended to, and does not, reflect
36 any determination of the constitutionality of any provision affected by the act.

37 **Comment.** Section 7920.120 is new. It is modeled on Penal Code Section 16025. Due to the
38 prevalence and significant impact of Attorney General opinions on CPRA issues, the section
39 expressly refers to Attorney General opinions as well as judicial decisions.

40 Subdivision (a) makes clear that case law and Attorney General opinions on the constitutionality
41 of a predecessor provision are relevant in determining the constitutionality of its successor in the
42 CPRA Recodification Act of 2020.

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

45 For specific guidance on the impact of a judicial decision interpreting a predecessor of a
46 provision in this division, see Section 7920.110. For specific guidance on the impact of an Attorney

1 General opinion interpreting a predecessor of a provision in this division, see Section 7920.115.
2 For general guidance on the nonsubstantive impact of the CPRA Recodification Act of 2020, see
3 Section 7920.100.

4 See Section 7920.005 (“CPRA Recodification Act of 2020”).

5 Article 3. Effect of Division

6 § 7920.200. Effect of division

7 7920.200. The provisions of this division shall not be deemed in any manner to
8 affect the status of judicial records as it existed immediately prior to the effective
9 date of the provision that is continued in this section, nor to affect the rights of
10 litigants, including parties to administrative proceedings, under the laws of
11 discovery of this state, nor to limit or impair any rights of discovery in a criminal
12 case.

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

14 Former Section 6260 was enacted in 1968 (see 1968 Cal. Stat. ch. 1473, § 39) and amended in
15 1976 to insert the phrase “nor to limit or impair any rights of discovery in a criminal case” (see
16 1976 Cal. Stat. ch. 314, § 2). The effective date of the original enactment was January 1, 1969. See
17 Cal. Const. art. IV, § 8(c)(1); Gov’t Code § 9600(a).

18 CHAPTER 2. DEFINITIONS

19 § 7920.500. “Elected or appointed official”

20 7920.500. For purposes of Article 3 (commencing with Section 7928.200) of
21 Chapter 5, “elected or appointed official” includes, but is not limited to, all of the
22 following:

- 23 (a) A state constitutional officer.
- 24 (b) A member of the Legislature.
- 25 (c) A judge or court commissioner.
- 26 (d) A district attorney.
- 27 (e) A public defender.
- 28 (f) A member of a city council.
- 29 (g) A member of a board of supervisors.
- 30 (h) An appointee of the Governor.
- 31 (i) An appointee of the Legislature.
- 32 (j) A mayor.
- 33 (k) A city attorney.
- 34 (l) A police chief or sheriff.
- 35 (m) A public safety official.
- 36 (n) A state administrative law judge.
- 37 (o) A federal judge or federal defender.
- 38 (p) A member of the United States Congress or appointee of the President.

39 **Comment.** Section 7920.500 continues former Section 6254.21(f) without substantive change.
40 See Section 13 (singular includes plural and vice versa).

41 See Section 7920.535 (“public safety official”).

1 § 7920.505. “Former Section 6254 provisions”

2 7920.505. (a) The following provisions are continuations of provisions that were
3 included in former Section 6254 as that section read when it was repealed by the
4 CPRA Recodification Act of 2020:

5 (1) Section 7921.500.

6 (2) Article 1 (commencing with Section 7923.600) of Chapter 1 of Part 5.

7 (3) Section 7923.700.

8 (4) Sections 7923.800 and 7923.805.

9 (5) Section 7924.505.

10 (6) Section 7925.000

11 (7) Section 7925.005.

12 (8) Section 7925.010.

13 (9) Section 7926.000.

14 (10) Section 7926.100.

15 (11) Section 7926.200.

16 (12) Section 7926.210.

17 (13) Section 7926.220, except the continuation of former Section 6254.14(b).

18 (14) Section 7926.225, except the continuation of former Section 6254.14(b).

19 (15) Section 7926.230, except the continuation of former Section 6254.14(b).

20 (16) Section 7926.235.

21 (17) Section 7927.000.

22 (18) Section 7927.100.

23 (19) Section 7927.200.

24 (20) Section 7927.300.

25 (21) Section 7927.500.

26 (22) Section 7927.700.

27 (23) Section 7927.705.

28 (24) Section 7928.000.

29 (25) Section 7928.100.

30 (26) Sections 7928.405 and 7928.410.

31 (27) Section 7928.705.

32 (28) Section 7929.000.

33 (29) Section 7929.200.

34 (30) Section 7929.205.

35 (31) Chapter 18 (commencing with Section 7929.400) of Part 5.

36 (32) Section 7929.605.

37 (b) The provisions listed in subdivision (a) may be referred to as “former Section
38 6254 provisions.”

39 (c) Subdivision (a) does not include any provision that was first codified in one of
40 the specified numerical ranges after the effective date of the CPRA Recodification
41 Act of 2020.

42 **Comment.** Section 7920.505 is new. It provides a convenient means of referring to the
43 provisions that comprised former Section 6254.

1 For a disposition table showing where each provision in former Section 6254 was recodified, as
2 well as a derivation table showing the source of each provision in the CPRA Recodification of
3 2020, see *California Public Records Act Clean-Up*, __ Cal. L. Revision Comm’n Reports __
4 (2019).

5 See Section 7920.005 (“CPRA Recodification Act of 2020”).

6 **Note.** Proposed Section 7920.505 is modeled on several provisions in the Deadly Weapons
7 Recodification Act of 2010. See Penal Code §§ 16575 (“Former Article 4 of Chapter 1 provisions”),
8 16580 (“Former Chapter 1 provisions”), 16585 (“Former Section 12078 provisions”). It is included
9 for drafting convenience.

10 **§ 7920.510. “Local agency”**

11 7920.510. As used in this division, “local agency” includes any of the following:

- 12 (a) A county.
- 13 (b) A city, whether general law or chartered.
- 14 (c) A city and county.
- 15 (d) A school district.
- 16 (e) A municipal corporation.
- 17 (f) A district.
- 18 (g) A political subdivision.
- 19 (h) Any board, commission, or agency of the foregoing.
- 20 (i) Another local public agency.
- 21 (j) An entity that is a legislative body of a local agency pursuant to subdivision
22 (c) or (d) of Section 54952.

23 **Comment.** Section 7920.510 continues former Section 6252(a) without substantive change.

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

27 See Section 7920.525 (“public agency”).

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

30 Those subdivisions provide:

31 54952. As used in this chapter, “legislative body” means:

32

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

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

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

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

1 of the full voting member to a nonvoting member.

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

7 Given the content of these provisions, it seems improbable that the Legislature intended to
8 require an entity to satisfy the requirements of *both* subdivisions to qualify as a “local agency”
9 under Section 6252(a). Proposed Section 7920.510(j) would continue this cross-reference as
10 “subdivisions (c) *or* (d) of Section 54952.” (Emphasis added.)

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

13 **§ 7920.515. “Member of the public”**

14 7920.515. As used in this division, “member of the public” means any person
15 other than a member, agent, officer, or employee of a federal, state, or local agency
16 who is acting within the scope of that membership, agency, office, or employment.

17 **Comment.** Section 7920.515 continues former Section 6252(b) without substantive change.

18 See Sections 7920.510 (“local agency”), 7920.520 (“person”).

19 **§ 7920.520. “Person”**

20 7920.520. As used in this division, “person” includes any natural person,
21 corporation, partnership, limited liability company, firm, or association.

22 **Comment.** Section 7920.520 continues former Section 6252(c) without substantive change.

23 **§ 7920.525. “Public agency”**

24 7920.525. (a) As used in this division, “public agency” means any state or local
25 agency.

26 (b) As used in Article 5 (commencing with Section 7926.400) of Chapter 5 of Part
27 5, “public agency” means an entity specified in subdivision (c) of Section 7926.400.

28 **Comment.** Subdivision (a) of Section 7920.525 continues former Section 6252(d) without
29 substantive change.

30 Subdivision (b) is new. It is intended to help persons locate the special definition of “public
31 agency” that applies to the article on reproductive health services facilities (Sections 7926.400-
32 7926.430).

33 See Sections 7920.510 (“local agency”), 7020.535 (“state agency”).

34 **§ 7920.530. “Public records”**

35 7920.530. (a) As used in this division, “public records” includes any writing
36 containing information relating to the conduct of the public’s business prepared,
37 owned, used, or retained by any state or local agency regardless of physical form or
38 characteristics.

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

41 **Comment.** Section 7920.530 continues former Section 6252(e) without substantive change.

42 See Sections 7920.510 (“local agency”), 7920.540 (“state agency”), 7920.550 (“writing”).

1 § 7920.535. “Public safety official”

2 7920.535. As used in this division, “public safety official” means the following
3 parties, whether active or retired:

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

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

10 (c) An “elected or appointed official” as defined in Section 7920.500.

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

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

15 (f) An employee of the Department of Corrections and Rehabilitation who
16 supervises inmates or is required to have care or custody of a prisoner.

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

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

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

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

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

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

40 **Comment.** Section 7920.535 continues former Section 6254.24 without substantive change.

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

1 In subdivision (g), the erroneous phrase “*and a local juvenile hall, camp, ranch, or home*” that
2 appeared in former Section 6254.24(g) has been replaced with the phrase “*or a local juvenile hall,*
3 *camp, ranch, or home.*” (Emphasis added.) This is a technical correction.
4 See Section 7920.520 (“person”).

5 **Notes.**

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

8 The cross-referenced Vehicle Code sections provide:

9 1808.2. In addition to those specified in Section 1808.4, the home address of any
10 inspector or investigator regularly employed and paid as such in the office of a district
11 attorney or any peace officer employee of the Board of Prison Terms appearing in any record
12 of the department is confidential.

13 1808.6. (a) In addition to those specified in Section 1808.4, the home address of any of
14 the following persons, that appears in any record of the department, is confidential, if the
15 person requests the confidentiality of that information:

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

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

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

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

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

34 Given the content of these provisions, it seems improbable that the Legislature intended to
35 require a person to be listed in *both* of the Vehicle Code provisions to qualify as a “public safety
36 official” within the meaning of Section 6254.24. In all likelihood, the cross-reference to “Sections
37 1808.2 *and* 1808.6 of the Vehicle Code” should be replaced by a reference to “Section 1808.2 *or*
38 1808.6 of the Vehicle Code.” Proposed Section 7920.535(b) would take that approach.

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

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

45 It seems improbable that the Legislature intended this provision to include as a “public safety
46 official” only an employee who supervises inmates in one of the enumerated facilities for adults
47 *and* in one of the enumerated facilities for juveniles. Proposed Section 7920.535(g) would refer
48 instead to an employee “who supervises inmates in a city police department, a county sheriff’s
49 office, the Department of the California Highway Patrol, federal, state, or a local detention facility,
50 *or a local juvenile hall, camp, ranch, or home....*” (Emphasis added).

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

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

8 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
9 **especially appreciate public comment on whether the phrase “as defined in Section 830.5 of**
10 **the Penal Code” should be retained in proposed Section 7920.535(g).**

11 **§ 7920.540. “State agency”**

12 7920.540. (a) As used in this division, “state agency” means every state office,
13 officer, department, division, bureau, board, and commission or other state body or
14 agency, except those agencies provided for in Article IV (except Section 20 thereof)
15 or Article VI of the California Constitution.

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

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

20 **Note.** Existing Section 6252(f) refers to “the State Bar of California, as described in Section 6001
21 of the Business and Professions Code.” Proposed Section 7920.540(b) would include the same
22 phrase, but legislation to restructure the State Bar was recently enacted. See 2017 Cal. Stat. ch. 422
23 (SB 36 (Jackson)). Because this is a strictly nonsubstantive study on an unrelated topic, the
24 Commission has not assessed whether the substance of Section 6252(f) requires revisions to reflect
25 the restructuring of the State Bar. If legislation to make such revisions is introduced, it could be
26 coordinated with the Commission’s proposal as needed to make sure that nothing is chaptered out.
27 See Section 9605.

28 **§ 7920.545. “Trade secret”**

29 7920.545. (a) “Trade secret” is defined in subdivision (f) of Section 7924.305.

30 (b) Subdivision (f) of Section 7924.510 defines “trade secret” for purposes of that
31 section.

32 **Comment.** Section 7920.545 is new. It is intended to help persons locate the definitions of “trade
33 secret” used in the California Public Records Act.

34 **§ 7920.550. “Writing”**

35 7920.550. As used in this division, “writing” means any handwriting, typewriting,
36 printing, photostating, photographing, photocopying, transmitting by electronic
37 mail or facsimile, and every other means of recording upon any tangible thing any
38 form of communication or representation, including letters, words, pictures, sounds,
39 or symbols, or combinations thereof, and any record thereby created, regardless of
40 the manner in which the record has been stored.

41 **Comment.** Section 7920.550 continues former Section 6252(g) without substantive change.

1 PART 2. DISCLOSURE AND EXEMPTIONS
2 GENERALLY

3 CHAPTER 1. RIGHT OF ACCESS TO PUBLIC RECORDS

4 **§ 7921.000. Legislative findings and declarations**

5 7921.000. In enacting this division, the Legislature, mindful of the right of
6 individuals to privacy, finds and declares that access to information concerning the
7 conduct of the people’s business is a fundamental and necessary right of every
8 person in this state.

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

10 For basic rules protecting access to public records under the CPRA, see Sections 7922.525
11 (inspection of public record) and 7922.530 (copy of public record); see also Sections 7921.005 and
12 7921.010 (restricting agency’s ability to transfer public record or otherwise relinquish control over
13 its disclosure).

14 For general rules governing disclosure of public records under the California Public Records Act
15 (“CPRA”), see Sections 7921.300-7921.710. For general rules governing exemptions from
16 disclosure, see Sections 7922.000-7922.210. For procedural rules governing requests for public
17 records and related matters, see Sections 7922.500-7922.725; see also Sections 7923.000-7923.510
18 (enforcement).

19 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
20 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

21 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
22 of CPRA recodification). For references to some other bodies of law governing public records, see
23 Section 7920.000 Comment.

24 See Section 7920.520 (“person”).

25 **§ 7921.005. Control of disclosure of information by another party**

26 7921.005. A state or local agency may not allow another party to control the
27 disclosure of information that is otherwise subject to disclosure pursuant to this
28 division.

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

30 For a similar restriction, see Section 7921.010 (providing public record to private entity). For
31 legislative findings and declarations underlying the California Public Records Act (“CPRA”), see
32 Section 7921.000. For basic rules protecting access to public records under the CPRA, see Sections
33 7922.525 (inspection of public record) and 7922.530 (copy of public record).

34 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
35 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
36 procedural rules governing requests for public records and related matters, see Sections 7922.500-
37 7922.725; see also Sections 7923.000-7923.510 (enforcement).

38 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
39 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

40 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
41 of CPRA recodification). For references to some other bodies of law governing public records, see
42 Section 7920.000 Comment.

43 See Sections 7920.510 (“local agency”), 7920.540 (“state agency”).

1 § 7921.010. Providing public record to private entity

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

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

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

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

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

14 For a similar restriction, see Section 7921.005 (control of disclosure of information by another
15 party). For legislative findings and declarations underlying the California Public Records Act
16 (“CPRA”), see Section 7921.000. For basic rules protecting access to public records under the
17 CPRA, see Sections 7922.525 (inspection of public record) and 7922.530 (copy of public record).

18 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
19 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
20 procedural rules governing requests for public records and related matters, see Sections 7922.500-
21 7922.725; see also Sections 7923.000-7923.510 (enforcement).

22 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
23 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

24 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
25 of CPRA recodification). For references to some other bodies of law governing public records, see
26 Section 7920.000 Comment.

27 See Sections 7920.510 (“local agency”), 7920.530 (“public records”), 7920.540 (“state agency”).

28 CHAPTER 2. GENERAL RULES GOVERNING DISCLOSURE

29 Article 1. Nondiscrimination

30 § 7921.300. Prohibition on limitation of access based on purpose of request

31 7921.300. This division does not allow limitations on access to a public record
32 based upon the purpose for which the record is being requested, if the record is
33 otherwise subject to disclosure.

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

35 For other provisions that prohibit discrimination in disclosing information under the California
36 Public Records Act (“CPRA”), see Sections 7921.305 and 7921.310. For rules relating to voluntary
37 disclosure, see Sections 7921.500-7921.505. For rules that specifically address disclosure to a
38 district attorney, see Sections 7921.700-7921.710.

39 For general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
40 procedural rules governing requests for public records and related matters, see Sections 7922.500-
41 7922.725; see also Sections 7923.000-7923.510 (enforcement).

42 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
43 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

44 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
45 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of

1 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
2 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
3 disclosure).

4 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
5 of CPRA recodification). For references to some other bodies of law governing public records, see
6 Section 7920.000 Comment.

7 See Section 7920.530 (“public records”).

8 **§ 7921.305. Access by elected member or officer of agency**

9 7921.305. (a) Notwithstanding the definition of “member of the public” in Section
10 7920.515, an elected member or officer of any state or local agency is entitled to
11 access to public records of that agency on the same basis as any other person.
12 Nothing in this section shall limit the ability of elected members or officers to access
13 public records permitted by law in the administration of their duties.

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

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

16 For other provisions that prohibit discrimination in disclosing information under the California
17 Public Records Act (“CPRA”), see Sections 7921.300 and 7921.310. For rules relating to voluntary
18 disclosure, see Sections 7921.500-7921.505. For rules that specifically address disclosure to a
19 district attorney, see Sections 7921.700-7921.710.

20 For general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
21 procedural rules governing requests for public records and related matters, see Sections 7922.500-
22 7922.725; see also Sections 7923.000-7923.510 (enforcement).

23 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
24 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

25 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
26 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
27 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
28 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
29 disclosure).

30 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
31 of CPRA recodification). For references to some other bodies of law governing public records, see
32 Section 7920.000 Comment.

33 See Sections 7920.510 (“local agency”), 7920.520 (“person”), 7920.530 (“public records”),
34 7920.540 (“state agency”).

35 **§ 7921.310. Nondiscrimination by local agency in disclosure to members of local legislative**
36 **body**

37 7921.310. Notwithstanding Section 7921.305 or any other provision of law, when
38 the members of a legislative body of a local agency are authorized to access a
39 writing of the body or of the agency as permitted by law in the administration of
40 their duties, the local agency, as defined in Section 54951, shall not discriminate
41 between or among any of those members as to which writing or portion thereof is
42 made available or when it is made available.

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

44 For other provisions that prohibit discrimination in disclosing information under the California
45 Public Records Act (“CPRA”), see Sections 7921.300 and 7921.305. For rules relating to voluntary
46 disclosure, see Sections 7921.500-7921.505. For rules that specifically address disclosure to a
47 district attorney, see Sections 7921.700-7921.710.

1 For general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
2 procedural rules governing requests for public records and related matters, see Sections 7922.500-
3 7922.725; see also Sections 7923.000-7923.510 (enforcement).

4 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
5 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

6 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
7 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
8 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
9 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
10 disclosure).

11 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
12 of CPRA recodification). For references to some other bodies of law governing public records, see
13 Section 7920.000 Comment.

14 See Section 7920.550 (“writing”). See also Section 7920.510 (“local agency”); but see Section
15 54951 (“local agency”).

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

20 Article 2. Voluntary Disclosure

21 § 7921.500. Voluntary disclosure by agency

22 7921.500. Unless disclosure is otherwise prohibited by law, the provisions listed
23 in Section 7920.505 do not prevent any agency from opening its records concerning
24 the administration of the agency to public inspection.

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

27 For circumstances in which disclosure of a public record constitutes a waiver of exemptions to
28 the California Public Records Act (“CPRA”), see Section 7921.505. For provisions that prohibit
29 discrimination in disclosing information under the CPRA, see Sections 7921.300-7921.310. For
30 rules that specifically address disclosure to a district attorney, see Sections 7921.700-7921.710.

31 For general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
32 procedural rules governing requests for public records and related matters, see Sections 7922.500-
33 7922.725; see also Sections 7923.000-7923.510 (enforcement).

34 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
35 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

36 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
37 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
38 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
39 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
40 disclosure).

41 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
42 of CPRA recodification). For references to some other bodies of law governing public records, see
43 Section 7920.000 Comment.

44 See Section 7920.505 (“former Section 6254 provisions”).

1 **§ 7921.505. Waiver of exemption based on disclosure**

2 7921.505. (a) As used in this section, “agency” includes a member, agent, officer,
3 or employee of the agency acting within the scope of that membership, agency,
4 office, or employment.

5 (b) Notwithstanding any other law, if a state or local agency discloses to a member
6 of the public a public record that is otherwise exempt from this division, this
7 disclosure constitutes a waiver of the exemptions specified in:

8 (1) The provisions listed in Section 7920.505.

9 (2) Sections 7924.510 and 7924.700.

10 (3) Other similar provisions of law.

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

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

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

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

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

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

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

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

35 (8) A disclosure made by the Commissioner of Business Oversight under Section
36 450, 452, 8009, or 18396 of the Financial Code.

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

1 **Comment.** Subdivision (a) of Section 7921.505 continues the second sentence of former Section
2 6254.5 without substantive change.

3 Subdivision (b) continues the first sentence of former Section 6254.5 without substantive change.

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

5 For a provision governing voluntary disclosure of a public record under the California Public
6 Records Act (“CPRA”), see Section 7921.500. For provisions that prohibit discrimination in
7 disclosing information under the CPRA, see Sections 7921.300-7921.310. For rules that
8 specifically address disclosure to a district attorney, see Sections 7921.700-7921.710.

9 For general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
10 procedural rules governing requests for public records and related matters, see Sections 7922.500-
11 7922.725; see also Sections 7923.000-7923.510 (enforcement).

12 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
13 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

14 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
15 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
16 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
17 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
18 disclosure).

19 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
20 of CPRA recodification). For references to some other bodies of law governing public records, see
21 Section 7920.000 Comment.

22 See Sections 7920.510 (“local agency”), 7920.515 (“member of the public”), 7920.520
23 (“person”), 7920.530 (“public records”), 7920.540 (“state agency”), 7920.550 (“writing”).

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

28 Article 3. Disclosure to District Attorney and Related Matters

29 **§ 7921.700. Inspection or copying of public record by district attorney**

30 7921.700. A state or local agency shall allow an inspection or copying of any
31 public record or class of public records not exempted by this division when
32 requested by a district attorney.

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

34 For guidance on enforcement of a district attorney’s right to inspect or copy public records, see
35 Section 7921.705. For the effect of disclosure to a district attorney, see Section 7921.710. For a
36 special rule governing a request by a district attorney for records of a complaint to, or an
37 investigation conducted by, a state or local agency for licensing purposes, see Section 7923.650.

38 For rules relating to voluntary disclosure of a public record under the California Public Records
39 Act (“CPRA”), see Sections 7921.500-7921.505. For provisions that prohibit discrimination in
40 disclosing information under the CPRA, see Sections 7921.300-7921.310.

41 For general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
42 procedural rules governing requests for public records and related matters, see Sections 7922.500-
43 7922.725; see also Sections 7923.000-7923.510 (enforcement).

44 For special rules relating to crimes, weapons, and law enforcement, see Sections 7923.600-
45 7923.805. For other special rules applicable to specific types of public records, see Sections
46 7924.000-7929.610; see also Sections 7930.000-7930.215 (alphabetical list of many CPRA
47 exemptions).

48 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
49 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of

1 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
2 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
3 disclosure).

4 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
5 of CPRA recodification). For references to some other bodies of law governing public records, see
6 Section 7920.000 Comment.

7 See Sections 7920.510 (“local agency”), 7920.530 (“public records”), 7920.540 (“state agency”).

8 **Note.** Subject to various limitations, Section 6254(f) creates a CPRA exemption for:

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

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

17 6262. The exemption of records of complaints to, or investigations conducted by, any
18 state or local agency for licensing purposes under subdivision (f) of Section 6254 shall not
19 apply when a request for inspection of such records is made by a district attorney.

20 The Commission considered the possibility of recodifying that exception in “Article 3.
21 Disclosure to District Attorney and Related Matters.” It seemed more helpful, however, to place
22 the exception in close proximity to the CPRA exemption to which it pertains — i.e., in close
23 proximity to the provision(s) that would continue the substance of Section 6254(f). That is the
24 approach taken in this draft. See proposed Section 7923.650.

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

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

29 **§ 7921.705. Enforcement of district attorney’s right to inspect or copy**

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

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

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

40 For a district attorney’s right to inspect or copy public records, see Section 7921.700. For the
41 effect of disclosure to a district attorney, see Section 7921.710. For a special rule governing a
42 request by a district attorney for records of a complaint to, or an investigation conducted by, a state
43 or local agency for licensing purposes, see Section 7923.650.

44 For rules relating to voluntary disclosure of a public record under the California Public Records
45 Act (“CPRA”), see Sections 7921.500-7921.505. For provisions that prohibit discrimination in
46 disclosing information under the CPRA, see Sections 7921.300-7921.310.

1 For general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
2 procedural rules governing requests for public records and related matters, see Sections 7922.500-
3 7922.725; see also Sections 7923.000-7923.510 (enforcement).

4 For special rules relating to crimes, weapons, and law enforcement, see Sections 7923.600-
5 7923.805. For other special rules applicable to specific types of public records, see Sections
6 7924.000-7929.610; see also Sections 7930.000-7930.215 (alphabetical list of many CPRA
7 exemptions).

8 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
9 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
10 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
11 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
12 disclosure).

13 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
14 of CPRA recodification). For references to some other bodies of law governing public records, see
15 Section 7920.000 Comment.

16 See Sections 7920.510 (“local agency”), 7920.530 (“public records”), 7920.540 (“state agency”).

17 **§ 7921.710. Effect of disclosure to district attorney**

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

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

22 For a district attorney’s right to inspect or copy public records, see Section 7921.700. For
23 enforcement of that right, see Section 7921.705. For a special rule governing a request by a district
24 attorney for records of a complaint to, or an investigation conducted by, a state or local agency for
25 licensing purposes, see Section 7923.650.

26 For rules relating to voluntary disclosure of a public record under the California Public Records
27 Act (“CPRA”), see Sections 7921.500-7921.505. For provisions that prohibit discrimination in
28 disclosing information under the CPRA, see Sections 7921.300-7921.310.

29 For general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
30 procedural rules governing requests for public records and related matters, see Sections 7922.500-
31 7922.725; see also Sections 7923.000-7923.510 (enforcement).

32 For special rules relating to crimes, weapons, and law enforcement, see Sections 7923.600-
33 7923.805. For other special rules applicable to specific types of public records, see Sections
34 7924.000-7929.610; see also Sections 7930.000-7930.215 (alphabetical list of many CPRA
35 exemptions).

36 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
37 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
38 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
39 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
40 disclosure).

41 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
42 of CPRA recodification). For references to some other bodies of law governing public records, see
43 Section 7920.000 Comment.

1 CHAPTER 3. GENERAL RULES GOVERNING EXEMPTIONS FROM DISCLOSURE

2 Article 1. Justification for Withholding of Record

3 § 7922.000. Justification for withholding of record (CPRA catch-all exemption)

4 7922.000. An agency shall justify withholding any record by demonstrating that
5 the record in question is exempt under express provisions of this division, or that on
6 the facts of the particular case the public interest served by not disclosing the record
7 clearly outweighs the public interest served by disclosure of the record.

8 **Comment.** Section 7922.000 continues former Section 6255(a) without substantive change. This
9 provision is sometimes known as the “catch-all exemption” to the California Public Records Act
10 (“CPRA”).

11 For some provisions governing redaction of social security numbers, see Sections 7922.200-
12 7922.210. For additional CPRA exemptions and special rules applicable to specific types of public
13 records (including some rules relating to social security numbers), see Sections 7923.600-
14 7929.610; see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

15 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
16 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
17 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
18 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
19 disclosure).

20 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
21 procedural rules governing requests for public records and related matters, see Sections 7922.500-
22 7922.725; see also Sections 7923.000-7923.510 (enforcement).

23 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
24 of CPRA recodification). For references to some other bodies of law governing public records, see
25 Section 7920.000 Comment.

26 Article 2. Redaction and Truncation of Social Security Numbers
27 and Related Matters

28 § 7922.200. Redaction of SSN by local agency

29 7922.200. (a) It is the intent of the Legislature that, in order to protect against the
30 risk of identity theft, a local agency shall redact social security numbers from a
31 record before disclosing the record to the public pursuant to this division.

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

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

35 **Comment.** Section 7922.200 continues former Section 6254.29 without substantive change.

36 For truncation of a social security number by a county recorder, see Section 7922.205. For
37 truncation of a social security number with regard to a secured transaction, see Section 7922.210.
38 For additional exemptions to the California Public Records Act (“CPRA”) and special rules
39 applicable to specific types of public records (including some rules relating to social security
40 numbers), see Sections 7922.000, 7923.600-7929.610; see also Sections 7930.000-7930.215
41 (alphabetical list of many CPRA exemptions).

42 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
43 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
44 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010

1 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
2 disclosure).

3 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
4 procedural rules governing requests for public records and related matters, see Sections 7922.500-
5 7922.725; see also Sections 7923.000-7923.510 (enforcement).

6 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
7 of CPRA recodification). For references to some other bodies of law governing public records, see
8 Section 7920.000 Comment.

9 See Section 7920.510 (“local agency”).

10 **§ 7922.205. Truncation of SSN by county recorder**

11 7922.205. Nothing in this division shall be construed to require the disclosure by
12 a county recorder of any “official record,” if a “public record” version of that record
13 is available pursuant to Article 3.5 (commencing with Section 27300) of Chapter 6
14 of Part 3 of Division 2 of Title 3.

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

16 For redaction of a social security number by a local agency, see Section 7922.200. For truncation
17 of a social security number with regard to a secured transaction, see Section 7922.210. For
18 additional exemptions to the California Public Records Act (“CPRA”) and special rules applicable
19 to specific types of public records (including some rules relating to social security numbers), see
20 Sections 7922.000, 7923.600-7929.610; see also Sections 7930.000-7930.215 (alphabetical list of
21 many CPRA exemptions).

22 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
23 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
24 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
25 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
26 disclosure).

27 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
28 procedural rules governing requests for public records and related matters, see Sections 7922.500-
29 7922.725; see also Sections 7923.000-7923.510 (enforcement).

30 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
31 of CPRA recodification). For references to some other bodies of law governing public records, see
32 Section 7920.000 Comment.

33 **§ 7922.210. Truncation of SSN with regard to secured transaction**

34 7922.210. Nothing in this division shall be construed to require the disclosure by
35 a filing office of any “official filing,” if a “public filing” version of that record is
36 available pursuant to Section 9526.5 of the Commercial Code.

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

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

42 For redaction of a social security number by a local agency, see Section 7922.200. For truncation
43 of a social security number by a county recorder, see Section 7922.205. For additional exemptions
44 to the California Public Records Act (“CPRA”) and special rules applicable to specific types of
45 public records (including some rules relating to social security numbers), see Sections 7922.000,
46 7923.600-7929.610; see also Sections 7930.000-7930.215 (alphabetical list of many CPRA
47 exemptions).

1 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
2 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
3 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
4 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
5 disclosure).

6 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
7 procedural rules governing requests for public records and related matters, see Sections 7922.500-
8 7922.725; see also Sections 7923.000-7923.510 (enforcement).

9 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
10 of CPRA recodification). For references to some other bodies of law governing public records, see
11 Section 7920.000 Comment.

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

15
16 9526.5. (a) For purposes of this section, the following terms have the following
17 meanings:

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

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

23 This slight disconnect in terminology probably stems from Section 6254.27 (proposed Section
24 7922.205), which concerns disclosure of a record in the possession of a county recorder. The article
25 cross-referenced in that adjacent, very similar section *does* refer to both an “official record” and a
26 “public record.”

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

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

32 **PART 3. PROCEDURES**

33 **CHAPTER 1. REQUEST FOR A PUBLIC RECORD**

34 **Article 1. General Principles**

35 **§ 7922.500. No delay or obstruction**

36 7922.500. Nothing in this division shall be construed to permit an agency to delay
37 or obstruct the inspection or copying of public records.

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

40 For a related provision, see Section 7922.505 (option to adopt requirements that allow faster,
41 more efficient, of greater access than minimum standards). For an agency’s duty to assist a person
42 requesting records under the CPRA, see Section 7922.600. For other procedural rules under the
43 California Public Records Act (“CPRA”) and related matters, see Sections 7922.525-7922.585,
44 7922.605-7922.725; see also Sections 7923.000-7923.510 (enforcement).

1 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
2 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

3 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
4 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

5 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
6 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
7 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
8 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
9 disclosure).

10 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
11 of CPRA recodification). For references to some other bodies of law governing public records, see
12 Section 7920.000 Comment.

13 See Section 7920.530 (“public records”).

14 **§ 7922.505. Option to adopt requirements that allow faster, more efficient, or greater access**
15 **than minimum standards**

16 7922.505. Except as otherwise prohibited by law, a state or local agency may
17 adopt requirements for itself that allow for faster, more efficient, or greater access
18 to records than prescribed by the minimum standards set forth in this division.

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

20 For a related provision, see Section 7922.500 (no delay or obstruction). For an agency’s duty to
21 assist a person requesting records under the CPRA, see Section 7922.600. For other procedural
22 rules under the California Public Records Act (“CPRA”) and related matters, see Sections
23 7922.525-7922.585, 7922.605-7922.725; see also Sections 7923.000-7923.510 (enforcement).

24 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
25 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

26 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
27 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

28 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
29 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
30 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
31 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
32 disclosure).

33 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
34 of CPRA recodification). For references to some other bodies of law governing public records, see
35 Section 7920.000 Comment.

36 See Sections 7920.510 (“local agency”), 7920.540 (“state agency”).

37 **Article 2. Procedural Requirements Generally**

38 **§ 7922.525. Inspection of public record**

39 7922.525. (a) Public records are open to inspection at all times during the office
40 hours of a state or local agency and every person has a right to inspect any public
41 record, except as otherwise provided.

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

45 **Comment.** Subdivision (a) of Section 7922.525 continues the first sentence of former Section
46 6253(a) without substantive change.

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

2 For guidance on obtaining a copy of a public record, see Section 7922.530. For an agency’s duty
3 to assist a person requesting records under the CPRA, see Section 7922.600. For other procedural
4 rules under the California Public Records Act (“CPRA”) and related matters, see Sections
5 7922.500-7922.505, 7922.535-7922.585, 7922.605-7922.725; see also Sections 7923.000-
6 7923.510 (enforcement).

7 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
8 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

9 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
10 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

11 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
12 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
13 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
14 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
15 disclosure).

16 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
17 of CPRA recodification). For references to some other bodies of law governing public records, see
18 Section 7920.000 Comment.

19 See Sections 7920.510 (“local agency”), 7920.520 (“person”), 7920.530 (“public records”),
20 7920.540 (“state agency”).

21 **§ 7922.530. Copy of public record**

22 7922.530. Except with respect to public records exempt from disclosure by
23 express provisions of law, each state or local agency, upon a request for a copy of
24 records that reasonably describes an identifiable record or records, shall make the
25 records promptly available to any person upon payment of fees covering direct costs
26 of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be
27 provided unless impracticable to do so.

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

29 For guidance on inspection of a public record, see Section 7922.525. For an agency’s duty to
30 assist a person requesting records under the CPRA, see Section 7922.600. For other procedural
31 rules under the California Public Records Act (“CPRA”) and related matters, see Sections
32 7922.500-7922.505, 7922.535-7922.585, 7922.605-7922.725; see also Sections 7923.000-
33 7923.510 (enforcement).

34 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
35 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

36 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
37 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

38 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
39 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
40 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
41 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
42 disclosure).

43 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
44 of CPRA recodification). For references to some other bodies of law governing public records, see
45 Section 7920.000 Comment.

46 See Sections 7920.510 (“local agency”), 7920.520 (“person”), 7920.530 (“public records”),
47 7920.540 (“state agency”).

1 § 7922.535. Time to respond

2 7922.535. (a) Each agency, upon a request for a copy of records, shall, within 10
3 days from receipt of the request, determine whether the request, in whole or in part,
4 seeks copies of disclosable public records in the possession of the agency and shall
5 promptly notify the person making the request of the determination and the reasons
6 therefor. If the agency determines that the request seeks disclosable public records,
7 the agency shall also state the estimated date and time when the records will be made
8 available.

9 (b) In unusual circumstances, the time limit prescribed in this article and Article
10 1 (commencing with Section 7922.500) may be extended by written notice from the
11 head of the agency or a designee to the person making the request, setting forth the
12 reasons for the extension and the date on which a determination is expected to be
13 dispatched. No notice shall specify a date that would result in an extension for more
14 than 14 days.

15 (c) As used in this section, “unusual circumstances” means the following, but only
16 to the extent reasonably necessary to the proper processing of the particular request:

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

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

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

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

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

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

31 Subdivision (c) continues the fifth sentence of former Section 6253(c) without change.

32 For further guidance on the timing of an agency’s response to a record request, see Section
33 7922.500 (no delay or obstruction) and 7922.505 (option to adopt requirements that allow faster,
34 more efficient, or greater access than minimum standards). For an agency’s duty to assist a person
35 requesting records under the CPRA, see Section 7922.600. For other procedural rules under the
36 California Public Records Act (“CPRA”) and related matters, see Sections 7922.525-7922.530,
37 7922.540-7922.585, 7922.605-7922.725; see also Sections 7923.000-7923.510 (enforcement).

38 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
39 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

40 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
41 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

42 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
43 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
44 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
45 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
46 disclosure).

1 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
2 of CPRA recodification). For references to some other bodies of law governing public records, see
3 Section 7920.000 Comment.

4 See Sections 7920.520 (“person”), 7920.530 (“public records”).

5 **§ 7922.540. Denial of request**

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

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

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

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

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

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

19 For an agency’s duty to assist a person requesting records under the CPRA, see Section 7922.600.
20 For other procedural rules under the California Public Records Act (“CPRA”) and related matters,
21 see Sections 7922.500-7922.535, 7922.545-7922.585, 7922.605-7922.725; see also Sections
22 7923.000-7923.510 (enforcement).

23 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
24 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

25 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
26 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

27 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
28 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
29 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
30 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
31 disclosure).

32 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
33 of CPRA recodification). For references to some other bodies of law governing public records, see
34 Section 7920.000 Comment.

35 See Sections 7920.520 (“person”), 7920.550 (“writing”).

36 **§ 7922.545. Posting public record on agency’s Internet Web site**

37 7922.545. (a) In addition to maintaining public records for public inspection
38 during its office hours, a public agency may comply with Section 7922.525 by
39 posting any public record on its Internet Web site and, in response to a request for a
40 public record posted on the Internet Web site, directing a member of the public to
41 the location on the Internet Web site where the public record is posted.

42 (b) However, if after the public agency directs a member of the public to the
43 Internet Web site, the member of the public requesting the public record requests a
44 copy of the public record due to an inability to access or reproduce the public record
45 from the Internet Web site, the public agency shall promptly provide a copy of the
46 public record pursuant to Section 7922.530.

1 **Comment.** Subdivision (a) of Section 7922.545 continues the first sentence of former Section
2 6253(f) without substantive change.

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

5 For further guidance in the California Public Records Act (“CPRA”) on agency websites, see
6 Sections 7922.680 (formatting of record that local agency posts on Internet Resource), 7922.715
7 (posting catalog of enterprise systems on local agency’s website). See also Section 7922.570
8 (disclosure of information in electronic format).

9 For an agency’s duty to assist a person requesting records under the CPRA, see Section 7922.600.
10 For other procedural rules and related matters, see Sections 7922.500-7922.540, 7922.575-
11 7922.585, 7922.605-7922.640, 7922.700-7922.710, 7922.720-7922.725; see also Sections
12 7923.000-7923.510 (enforcement).

13 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
14 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

15 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
16 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

17 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
18 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
19 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
20 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
21 disclosure).

22 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
23 of CPRA recodification). For references to some other bodies of law governing public records, see
24 Section 7920.000 Comment.

25 See Sections 7920.515 (“member of the public”), 7920.525 (“public agency”), 7920.530 (“public
26 records”).

27 **Article 3. Information in Electronic Format**

28 **§ 7922.570. Disclosure of information in electronic format**

29 7922.570. (a) Unless otherwise prohibited by law, any agency that has
30 information that constitutes an identifiable public record not exempt from disclosure
31 pursuant to this division that is in an electronic format shall make that information
32 available in an electronic format when requested by any person.

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

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

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

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

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

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

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

1 For guidance on the cost of duplicating an electronic record, see Section 7922.575. For
2 limitations on the application of Sections 7922.570 and 7922.575, see Section 7922.580. For
3 guidance on computer software, see Section 7922.585.

4 For guidance in the California Public Records Act (“CPRA”) regarding agency websites, see
5 Sections 7922.545 (posting public record on agency’s Internet Web site), 7922.680 (formatting of
6 record that local agency posts on Internet Resource), and 7922.715 (posting catalog of enterprise
7 systems on local agency’s website).

8 For an agency’s duty to assist a person requesting records under the CPRA, see Section 7922.600.
9 For other procedural rules and related matters, see Sections 7922.500-7922.540, 7922.605-
10 7922.640, 7922.700-7922.710, 7922.720-7922.725; see also Sections 7923.000-7923.510
11 (enforcement).

12 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
13 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

14 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
15 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

16 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
17 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
18 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
19 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
20 disclosure).

21 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
22 of CPRA recodification). For references to some other bodies of law governing public records, see
23 Section 7920.000 Comment.

24 See Sections 7920.520 (“person”), 7920.530 (“public records”).

25 **§ 7922.575. Cost of duplication**

26 7922.575. (a) The cost of duplication of an electronic record pursuant to paragraph
27 (2) of subdivision (b) of Section 7922.570 shall be limited to the direct cost of
28 producing a copy of a record in an electronic format.

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

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

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

38 **Comment.** Subdivision (a) of Section 7922.575 continues the second sentence of former Section
39 6253.9(a)(2) without substantive change.

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

41 For guidance on disclosure of a public record in electronic format, see Section 7922.570. For
42 limitations on the application of Sections 7922.570 and 7922.575, see Section 7922.580. For
43 guidance on computer software, see Section 7922.585.

44 For guidance in the California Public Records Act (“CPRA”) regarding agency websites, see
45 Sections 7922.545 (posting public record on agency’s Internet Web site), 7922.680 (formatting of
46 record that local agency posts on Internet Resource), and 7922.715 (posting catalog of enterprise
47 systems on local agency’s website).

48 For an agency’s duty to assist a person requesting records under the CPRA, see Section 7922.600.
49 For other procedural rules and related matters, see Sections 7922.500-7922.540, 7922.605-

1 7922.640, 7922.700-7922.710, 7922.720-7922.725; see also Sections 7923.000-7923.510
2 (enforcement).

3 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
4 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

5 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
6 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

7 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
8 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
9 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
10 (restricting agency's ability to transfer public record or otherwise relinquish control over its
11 disclosure).

12 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
13 of CPRA recodification). For references to some other bodies of law governing public records, see
14 Section 7920.000 Comment.

15 See Section 7920.525 ("public agency").

16 **§ 7922.580. Limitations**

17 7922.580. (a) Nothing in Section 7922.570 or 7922.575 shall be construed to
18 require a public agency to reconstruct a record in an electronic format if the agency
19 no longer has the record available in an electronic format.

20 (b) Nothing in Section 7922.570 or 7922.575 shall be construed to permit an
21 agency to make information available only in an electronic format.

22 (c) Nothing in Section 7922.570 or 7922.575 shall be construed to require a public
23 agency to release an electronic record in the electronic form in which it is held by
24 the agency if its release would jeopardize or compromise the security or integrity of
25 the original record or of any proprietary software in which it is maintained.

26 (d) Nothing in Section 7922.570 or 7922.575 shall be construed to permit public
27 access to records held by any agency to which access is otherwise restricted by
28 statute.

29 **Comment.** Subdivision (a) of Section 7922.580 continues former Section 6253.9(c) without
30 substantive change.

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

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

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

34 For guidance on disclosure of a public record in electronic format, see Section 7922.570. For
35 guidance on the cost of duplicating an electronic record, see Section 7922.575. For guidance on
36 computer software, see Section 7922.585.

37 For guidance in the California Public Records Act ("CPRA") regarding agency websites, see
38 Sections 7922.545 (posting public record on agency's Internet Web site), 7922.680 (formatting of
39 record that local agency posts on Internet Resource), and 7922.715 (posting catalog of enterprise
40 systems on local agency's website).

41 For an agency's duty to assist a person requesting records under the CPRA, see Section 7922.600.
42 For other procedural rules and related matters, see Sections 7922.500-7922.540, 7922.605-
43 7922.640, 7922.700-7922.710, 7922.720-7922.725; see also Sections 7923.000-7923.510
44 (enforcement).

45 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
46 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

47 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
48 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

1 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
2 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
3 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
4 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
5 disclosure).

6 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
7 of CPRA recodification). For references to some other bodies of law governing public records, see
8 Section 7920.000 Comment.

9 See Section 7920.525 (“public agency”).

10 **§ 7922.585. Computer software**

11 7922.585. (a) As used in this section, “computer software” includes computer
12 mapping systems, computer programs, and computer graphics systems.

13 (b) Computer software developed by a state or local agency is not itself a public
14 record under this division. The agency may sell, lease, or license the software for
15 commercial or noncommercial use.

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

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

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

23 **Comment.** Section 7922.585 continues former Section 6254.9 without substantive change.

24 For guidance on disclosure of a public record in electronic format, see Section 7922.570. For
25 guidance on the cost of duplicating an electronic record, see Section 7922.575. For limitations on
26 the application of Sections 7922.570 and 7922.575, see Section 7922.580.

27 For guidance in the California Public Records Act (“CPRA”) regarding agency websites, see
28 Sections 7922.545 (posting public record on agency’s Internet Web site), 7922.680 (formatting of
29 record that local agency posts on Internet Resource), and 7922.715 (posting catalog of enterprise
30 systems on local agency’s website).

31 For an agency’s duty to assist a person requesting records under the CPRA, see Section 7922.600.
32 For other procedural rules and related matters, see Sections 7922.500-7922.540, 7922.605-
33 7922.640, 7922.700-7922.710, 7922.720-7922.725; see also Sections 7923.000-7923.510
34 (enforcement).

35 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
36 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

37 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
38 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

39 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
40 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
41 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
42 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
43 disclosure).

44 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
45 of CPRA recodification). For references to some other bodies of law governing public records, see
46 Section 7920.000 Comment.

47 See Sections 7920.510 (“local agency”), 7920.530 (“public records”), 7920.540 (“state agency”).

1 Article 4. Duty to Assist in Formulating Request

2 **§ 7922.600. Duty to provide assistance**

3 7922.600. (a) When a member of the public requests to inspect a public record or
4 obtain a copy of a public record, the public agency, in order to assist the member of
5 the public make a focused and effective request that reasonably describes an
6 identifiable record or records, shall do all of the following, to the extent reasonable
7 under the circumstances:

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

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

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

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

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

21 **Comment.** Section 7922.600 continues former Section 6253.1(a)-(c) without substantive
22 change.

23 For further guidance regarding assistance to the public, see Sections 7922.500 (no delay or
24 obstruction), 7922.505 (option to adopt requirements that allow faster, more efficient, or greater
25 access than minimum standards). For other procedural rules under the California Public Records
26 Act (“CPRA”) and related matters, see Sections 7922.525-7922.585, 7922.605-7922.725; see also
27 Sections 7923.000-7923.510 (enforcement).

28 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
29 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

30 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
31 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

32 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
33 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
34 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
35 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
36 disclosure).

37 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
38 of CPRA recodification). For references to some other bodies of law governing public records, see
39 Section 7920.000 Comment.

40 See Sections 7920.515 (“member of the public”), 7920.525 (“public agency”), 7920.530 (“public
41 records”).

42 **§ 7922.605. Inapplicability of article**

43 7922.605. This article shall not apply to a request for public records if any of the
44 following applies:

1 (a) The public agency makes the requested records available pursuant to Article 1
2 (commencing with Section 7922.500) and Article 2 (commencing with Section
3 7922.525).

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

5 (c) The public agency determines that the request should be denied and bases that
6 determination solely on an exemption listed in Section 7920.505.

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

8 For other procedural rules under the California Public Records Act (“CPRA”) and related
9 matters, see Sections 7922.525-7922.600, 7922.630-7922.725; see also Sections 7923.000-
10 7923.510 (enforcement).

11 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
12 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

13 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
14 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

15 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
16 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
17 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
18 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
19 disclosure).

20 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
21 of CPRA recodification). For references to some other bodies of law governing public records, see
22 Section 7920.000 Comment.

23 See Sections 7920.525 (“public agency”), 7920.530 (“public records”).

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

26 Article 1. Agency Regulations and Guidelines

27 § 7922.630. Authority to adopt regulations

28 7922.630. Every agency may adopt regulations in accordance with this article
29 stating the procedures to be followed when making its records available.

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

32 For further guidance on adoption of regulations, see Sections 7922.500 (no delay or obstruction),
33 7922.505 (option to adopt requirements that allow faster, more efficient, or greater access than
34 minimum standards), 7922.635 (agencies required to establish & make available written guidelines
35 for accessibility of records), 7922.640 (limitations on guidelines & regulations).

36 For other procedural rules under the California Public Records Act (“CPRA”) and related
37 matters, see Sections 7922.525-7922.605, 7922.680-7922.725; see also Sections 7923.000-
38 7923.510 (enforcement).

39 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
40 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

41 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
42 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

43 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
44 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
45 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010

1 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
2 disclosure).

3 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
4 of CPRA recodification). For references to some other bodies of law governing public records, see
5 Section 7920.000 Comment.

6 **§ 7922.635. Agencies required to establish and make available written guidelines for**
7 **accessibility of records**

8 7922.635. (a) The following state and local bodies shall establish written
9 guidelines for accessibility of records:

- 10 (1) All regional water quality control boards.
- 11 (2) Bay Area Air Pollution Control District.
- 12 (3) Bureau of Real Estate.
- 13 (4) California Coastal Commission.
- 14 (5) Department of Business Oversight.
- 15 (6) Department of Consumer Affairs.
- 16 (7) Department of Corrections and Rehabilitation.
- 17 (8) Department of General Services.
- 18 (9) Department of Industrial Relations.
- 19 (10) Department of Insurance.
- 20 (11) Department of Justice.
- 21 (12) Department of Managed Health Care.
- 22 (13) Department of Motor Vehicles.
- 23 (14) Department of Parks and Recreation.
- 24 (15) Department of Toxic Substances Control.
- 25 (16) Department of Veterans Affairs.
- 26 (17) Department of Water Resources.
- 27 (18) Division of Juvenile Justice.
- 28 (19) Employment Development Department.
- 29 (20) Golden Gate Bridge, Highway and Transportation District.
- 30 (21) Los Angeles County Air Pollution Control District.
- 31 (22) Office of Environmental Health Hazard Assessment.
- 32 (23) Public Employees’ Retirement System.
- 33 (24) Public Utilities Commission.
- 34 (25) San Francisco Bay Area Rapid Transit District.
- 35 (26) San Francisco Bay Conservation and Development Commission.
- 36 (27) Secretary of State.
- 37 (28) State Air Resources Board.
- 38 (29) State Board of Equalization.
- 39 (30) State Department of Developmental Services.
- 40 (31) State Department of Health Care Services.
- 41 (32) State Department of Public Health.
- 42 (33) State Department of Social Services.
- 43 (34) State Department of State Hospitals.

1 (35) State Water Resources Control Board.

2 (36) Teachers' Retirement Board.

3 (37) Transportation Agency.

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

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

9 For further guidance on adoption of guidelines and regulations, see Sections 7922.500 (no delay
10 or obstruction), 7922.505 (option to adopt requirements that allow faster, more efficient, or greater
11 access than minimum standards), 7922.630 (authority to adopt regulations), 7922.640 (limitations
12 on guidelines & regulations).

13 For other procedural rules under the California Public Records Act ("CPRA") and related
14 matters, see Sections 7922.525-7922.605, 7922.680-7922.725; see also Sections 7923.000-
15 7923.510 (enforcement).

16 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
17 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

18 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
19 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

20 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
21 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
22 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
23 (restricting agency's ability to transfer public record or otherwise relinquish control over its
24 disclosure).

25 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
26 of CPRA recodification). For references to some other bodies of law governing public records, see
27 Section 7920.000 Comment.

28 See Section 7920.520 ("person").

29 **§ 7922.640. Limitations on guidelines and regulations**

30 7922.640. (a) Guidelines and regulations adopted pursuant to this article shall be
31 consistent with all other sections of this division and shall reflect the intention of
32 the Legislature to make the records accessible to the public.

33 (b) Guidelines and regulations adopted pursuant to this article shall not operate to
34 limit the hours public records are open for inspection as prescribed in Article 1
35 (commencing with Section 7922.500) and Article 2 (commencing with Section
36 7922.525).

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

38 See Section 7920.530 ("public records").

39 For further guidance on adoption of guidelines and regulations, see Sections 7922.500 (no delay
40 or obstruction), 7922.505 (option to adopt requirements that allow faster, more efficient, or greater
41 access than minimum standards), 7922.630 (authority to adopt regulations), 7922.635 (agencies
42 required to establish and make available written guidelines for accessibility of records).

43 For other procedural rules under the California Public Records Act ("CPRA") and related
44 matters, see Sections 7922.525-7922.605, 7922.680-7922.725; see also Sections 7923.000-
45 7923.510 (enforcement).

46 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
47 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

1 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
2 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

3 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
4 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
5 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
6 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
7 disclosure).

8 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
9 of CPRA recodification). For references to some other bodies of law governing public records, see
10 Section 7920.000 Comment.

11 Article 2. Internet Resources

12 § 7922.680. Formatting of record that local agency posts on Internet Resource

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

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

21 (b) Platform independent and machine readable.

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

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

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

27 For further guidance in the California Public Records Act (“CPRA”) regarding agency websites,
28 see Sections 7922.545 (posting public record on agency’s Internet Web site) and 7922.715 (posting
29 catalog of enterprise systems on local agency’s website). See also Section 7922.570 (disclosure of
30 information in electronic format).

31 For other procedural rules and related matters, see Sections 7922.500-7922.540, 7922.575-
32 7922.640, 7922.700-7922.710, 7922.720-7922.725; see also Sections 7923.000-7923.510
33 (enforcement).

34 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
35 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

36 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
37 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

38 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
39 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
40 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
41 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
42 disclosure).

43 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
44 of CPRA recodification). For references to some other bodies of law governing public records, see
45 Section 7920.000 Comment.

46 See Section 7920.510 (“local agency”), 7920.530 (“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 7929.210.

(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.

For a provision requiring a local agency (other than a local educational agency) to create, post, and annually update a catalog of enterprise systems, see Section 7922.710. For related provisions, see the remainder of this article.

For other procedural rules under the California Public Records Act (“CPRA”) and related matters, see Sections 7922.500-7922.680; see also Sections 7923.000-7923.510 (enforcement).

For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

For special rules applicable to specific types of public records, see Sections 7923.600-7929.610; see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010 (restricting agency’s ability to transfer public record or otherwise relinquish control over its disclosure).

For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect of CPRA recodification). For references to some other bodies of law governing public records, see Section 7920.000 Comment.

See Section 7922.575 (“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.

1 **Comment.** Section 7922.705 continues former Section 6270.5(c)(2) without substantive change.
2 For a provision requiring a local agency (other than a local educational agency) to create, post,
3 and annually update a catalog of enterprise systems, see Section 7922.710. For related provisions,
4 see the remainder of this article.

5 For other procedural rules under the California Public Records Act (“CPRA”) and related
6 matters, see Sections 7922.500-7922.680; see also Sections 7923.000-7923.510 (enforcement).

7 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
8 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

9 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
10 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

11 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
12 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
13 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
14 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
15 disclosure).

16 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
17 of CPRA recodification). For references to some other bodies of law governing public records, see
18 Section 7920.000 Comment.

19 **§ 7922.710. Creation of catalog**

20 7922.710. (a) In implementing this division, each local agency, except a local
21 educational agency, shall create a catalog of enterprise systems.

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

24 **Comment.** Subdivision (a) of Section 7922.710 continues the first sentence of former Section
25 6270.5(a) without substantive change.

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

27 For related provisions, see the remainder of this article. For other procedural rules under the
28 California Public Records Act (“CPRA”) and related matters, see Sections 7922.500-7922.680; see
29 also Sections 7923.000-7923.510 (enforcement).

30 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
31 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

32 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
33 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

34 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
35 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
36 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
37 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
38 disclosure).

39 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
40 of CPRA recodification). For references to some other bodies of law governing public records, see
41 Section 7920.000 Comment.

42 See Sections 7920.510 (“local agency”), 7922.700 (“enterprise system”).

43 **§ 7922.715. Availability of catalog**

44 7922.715. (a) The catalog of enterprise systems required by Section 7922.710
45 shall be made publicly available upon request in the office of the person or officer
46 designated by the agency’s legislative body.

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

1 **Comment.** Subdivision (a) of Section 7922.715 continues the second sentence of former Section
2 6270.5(a) without substantive change.

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

5 For a provision requiring a local agency (other than a local educational agency) to create, post,
6 and annually update a catalog of enterprise systems, see Section 7922.710. For related provisions,
7 see the remainder of this article.

8 For other procedural rules under the California Public Records Act (“CPRA”) and related
9 matters, see Sections 7922.500-7922.680; see also Sections 7923.000-7923.510 (enforcement).

10 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
11 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

12 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
13 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

14 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
15 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
16 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
17 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
18 disclosure).

19 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
20 of CPRA recodification). For references to some other bodies of law governing public records, see
21 Section 7920.000 Comment.

22 See Sections 7920.510 (“local agency”), 7920.520 (“person”), 7922.700 (“enterprise system”).

23 **§ 7922.720. Content of catalog**

24 7922.720. (a) The catalog of enterprise systems required by Section 7922.710
25 shall disclose a list of the enterprise systems utilized by the agency.

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

27 (1) Current system vendor.

28 (2) Current system product.

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

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

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

32 (6) How frequently system data is collected.

33 (7) How frequently system data is updated.

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

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

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

41 For a provision requiring a local agency (other than a local educational agency) to create, post,
42 and annually update a catalog of enterprise systems, see Section 7922.710. For related provisions,
43 see the remainder of this article.

44 For other procedural rules under the California Public Records Act (“CPRA”) and related
45 matters, see Sections 7922.500-7922.680; see also Sections 7923.000-7923.510 (enforcement).

46 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
47 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

1 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
2 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

3 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
4 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
5 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
6 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
7 disclosure).

8 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
9 of CPRA recodification). For references to some other bodies of law governing public records, see
10 Section 7920.000 Comment.

11 See Sections 7920.510 (“local agency”), 7922.700 (“enterprise system”).

12 **§ 7922.725. Construction of article**

13 7922.725. (a) This article shall not be interpreted to limit a person’s right to
14 inspect public records pursuant to this division.

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

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

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

21 For a provision requiring a local agency (other than a local educational agency) to create, post,
22 and annually update a catalog of enterprise systems, see Section 7922.710. For related provisions,
23 see the remainder of this article.

24 For other procedural rules under the California Public Records Act (“CPRA”) and related
25 matters, see Sections 7922.500-7922.680; see also Sections 7923.000-7923.510 (enforcement).

26 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
27 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

28 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
29 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

30 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
31 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
32 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
33 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
34 disclosure).

35 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
36 of CPRA recodification). For references to some other bodies of law governing public records, see
37 Section 7920.000 Comment.

38 See Sections 7920.520 (“person”), 7920.530 (“public records”).

39 **PART 4. ENFORCEMENT**

40 **CHAPTER 1. GENERAL PRINCIPLES**

41 **§ 7923.000. Right to seek enforcement of request**

42 7923.000. Any person may institute a proceeding for injunctive or declarative
43 relief, or for a writ of mandate, in any court of competent jurisdiction, to enforce
44 that person’s right under this division to inspect or receive a copy of any public
45 record or class of public records.

1 **Comment.** Section 7923.000 continues the first sentence of former Section 6258 without
2 substantive change.

3 For other rules relating to enforcement of the California Public Records Act (“CPRA”), see
4 Sections 7923.005-7923.510. For basic procedural rules and related matters, see Sections
5 7922.500-7922.680.

6 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
7 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

8 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
9 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

10 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
11 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
12 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
13 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
14 disclosure).

15 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
16 of CPRA recodification). For references to some other bodies of law governing public records, see
17 Section 7920.000 Comment.

18 See Sections 7920.520 (“person”), 7920.530 (“public records”).

19 **§ 7923.005. Court to set schedule that promotes prompt decision**

20 7923.005. In a proceeding under Section 7923.000, the court shall set the times
21 for hearings and responsive pleadings with the object of securing a decision as to
22 the matters at issue at the earliest possible time.

23 **Comment.** Section 7923.005 continues the second sentence of former Section 6258 without
24 substantive change.

25 For other rules relating to enforcement of the California Public Records Act (“CPRA”), see
26 Sections 7923.000, 7923.100-7923.510. For basic procedural rules and related matters, see Sections
27 7922.500-7922.680.

28 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
29 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

30 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
31 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

32 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
33 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
34 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
35 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
36 disclosure).

37 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
38 of CPRA recodification). For references to some other bodies of law governing public records, see
39 Section 7920.000 Comment.

40 See Sections 7920.520 (“person”), 7920.530 (“public records”).

41 CHAPTER 2. PROCEDURE

42 Article 1. Petition to Superior Court

43 **§ 7923.100. Verified petition and order to show cause**

44 7923.100. Whenever it is made to appear, by verified petition to the superior court
45 of the county where the records or some part thereof are situated, that certain public
46 records are being improperly withheld from a member of the public, the court shall

1 order the officer or other person charged with withholding the records to disclose
2 those records or show cause why that person should not do so.

3 **Comment.** Section 7923.100 continues the first sentence of former Section 6259(a) without
4 substantive change.

5 For other rules relating to enforcement of the California Public Records Act (“CPRA”), see
6 Sections 7923.000-7923.005, 7923.105-7923.510. For basic procedural rules and related matters,
7 see Sections 7922.500-7922.680.

8 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
9 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

10 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
11 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

12 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
13 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
14 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
15 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
16 disclosure).

17 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
18 of CPRA recodification). For references to some other bodies of law governing public records, see
19 Section 7920.000 Comment.

20 See Sections 7920.515 (“member of the public”), 7920.530 (“public records”).

21 **§ 7923.105. Material to be considered by court**

22 7923.105. The court shall decide the case after the court does all of the following:

23 (a) Examine the record in camera, if permitted by subdivision (b) of Section 915
24 of the Evidence Code.

25 (b) Examine any papers filed by the parties.

26 (c) Consider any oral argument and additional evidence as the court may allow.

27 **Comment.** Section 7923.105 continues the second sentence of former Section 6259(a) without
28 substantive change.

29 For other rules relating to enforcement of the California Public Records Act (“CPRA”), see
30 Sections 7923.000-7923.100, 7923.110-7923.510. For basic procedural rules and related matters,
31 see Sections 7922.500-7922.680.

32 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
33 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

34 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
35 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

36 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
37 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
38 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
39 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
40 disclosure).

41 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
42 of CPRA recodification). For references to some other bodies of law governing public records, see
43 Section 7920.000 Comment.

44 **§ 7923.110. Decision and order**

45 7923.110. (a) If the court finds that the public official’s decision to refuse
46 disclosure is not justified under Section 7922.000 or any provision listed in Section
47 7920.505, the court shall order the public official to make the record public.

1 (b) If the court finds that the public official was justified in refusing to make the
2 record public, the court shall return the record to the public official without
3 disclosing its content, together with an order supporting the decision refusing
4 disclosure.

5 **Comment.** Section 7923.110 continues former Section 6259(b) without substantive change.

6 For other rules relating to enforcement of the California Public Records Act (“CPRA”), see
7 Sections 7923.000-7923.105, 7923.115-7923.510. For basic procedural rules and related matters,
8 see Sections 7922.500-7922.680.

9 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
10 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

11 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
12 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

13 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
14 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
15 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
16 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
17 disclosure).

18 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
19 of CPRA recodification). For references to some other bodies of law governing public records, see
20 Section 7920.000 Comment.

21 **§ 7923.115. Costs and attorney fees**

22 7923.115. (a) If the requester prevails in litigation filed pursuant to this chapter,
23 the court shall award court costs and reasonable attorney’s fees to the requester. The
24 costs and fees shall be paid by the public agency and shall not become a personal
25 liability of the public official involved.

26 (b) If the court finds that a requester’s case pursuant to this chapter is clearly
27 frivolous, the court shall award court costs and reasonable attorney fees to the public
28 agency.

29 (c) Nothing in this article limits a requester’s right to obtain fees and costs
30 pursuant to this section or pursuant to any other law.

31 **Comment.** Subdivisions (a) and (b) of Section 7923.115 continue former Section 6259(d)
32 without substantive change.

33 Subdivision (c) continues former Section 6259(e) without substantive change.

34 For other rules relating to enforcement of the California Public Records Act (“CPRA”), see
35 Sections 7923.000-7923.110, 7923.120-7923.510. For basic procedural rules and related matters,
36 see Sections 7922.500-7922.680.

37 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
38 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

39 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
40 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

41 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
42 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
43 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
44 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
45 disclosure).

46 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
47 of CPRA recodification). For references to some other bodies of law governing public records, see
48 Section 7920.000 Comment.

1 See Section 7920.525 (“public agency”).

2 **§ 7923.120. Failure to obey order as grounds for contempt**

3 7923.120. Any person who fails to obey an order of the court pursuant to this
4 chapter shall be cited to show cause why that person is not in contempt of court.

5 **Comment.** Section 7923.120 continues the fifth sentence of former Section 6259(c) without
6 substantive change.

7 Subdivision (c) continues former Section 6259(e) without substantive change.

8 For other rules relating to enforcement of the California Public Records Act (“CPRA”), see
9 Sections 7923.000-7923.115, 7923.500-7923.510. For basic procedural rules and related matters,
10 see Sections 7922.500-7922.680.

11 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
12 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

13 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
14 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

15 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
16 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
17 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
18 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
19 disclosure).

20 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
21 of CPRA recodification). For references to some other bodies of law governing public records, see
22 Section 7920.000 Comment.

23 See Section 7920.520 (“person”).

24 **Article 2. Appellate Review**

25 **§ 7923.500. Order reviewable by petition for extraordinary writ**

26 7923.500. An order of the court pursuant to this chapter, whether directing a
27 public official to disclose a record or supporting a public official’s decision to refuse
28 disclosure, is not a final judgment or order from which an appeal may be taken
29 pursuant to Section 904.1 of the Code of Civil Procedure. The order shall, however,
30 be immediately reviewable by a petition to the appellate court for issuance of an
31 extraordinary writ.

32 **Comment.** Section 7923.500 continues the first sentence of former Section 6259(c) without
33 substantive change. The introductory clause, which limited the applicability of this provision to an
34 action filed on or after January 1, 1991, is discontinued as obsolete.

35 For other rules relating to enforcement of the California Public Records Act (“CPRA”), see
36 Sections 7923.000-7923.120, 7923.505-7923.510. For basic procedural rules and related matters,
37 see Sections 7922.500-7922.680.

38 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
39 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

40 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
41 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

42 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
43 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
44 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
45 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
46 disclosure).

1 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
2 of CPRA recodification). For references to some other bodies of law governing public records, see
3 Section 7920.000 Comment.

4 **§ 7923.505. Time for filing writ petition**

5 7923.505. (a) To obtain review of an order entered pursuant to this chapter, a party
6 shall file a petition pursuant to Section 7923.500 within 20 days after service upon
7 that party of a written notice of entry of the order, or within a period not exceeding
8 an additional 20 days as the court may for good cause allow.

9 (b) If the notice of entry of the order is served by mail, the period within which to
10 file the petition shall be increased by five days.

11 **Comment.** Subdivision (a) of Section 7923.505 continues the second sentence of former Section
12 6259(c) without substantive change.

13 Subdivision (b) continues the third sentence of former Section 6259(c) without change.

14 For other rules relating to enforcement of the California Public Records Act (“CPRA”), see
15 Sections 7923.000-7923.500, 7923.510. For basic procedural rules and related matters, see Sections
16 7922.500-7922.680.

17 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
18 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

19 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
20 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

21 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
22 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
23 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
24 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
25 disclosure).

26 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
27 of CPRA recodification). For references to some other bodies of law governing public records, see
28 Section 7920.000 Comment.

29 **§ 7923.510. Stay of judgment or order**

30 7923.510. A court shall not grant a stay of a judgment or order entered pursuant
31 to this chapter unless the petitioning party demonstrates both of the following:

32 (1) Probable success on the merits.

33 (2) The petitioning party will otherwise sustain irreparable damage.

34 **Comment.** Section 7923.510 continues the fourth sentence of former Section 6259(c) without
35 substantive change.

36 For other rules relating to enforcement of the California Public Records Act (“CPRA”), see
37 Sections 7923.000-7923.505. For basic procedural rules and related matters, see Sections
38 7922.500-7922.680.

39 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
40 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210.

41 For special rules applicable to specific types of public records, see Sections 7923.600-7929.610;
42 see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

43 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
44 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
45 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
46 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
47 disclosure).

1 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
2 of CPRA recodification). For references to some other bodies of law governing public records, see
3 Section 7920.000 Comment.

4 PART 5. SPECIFIC TYPES OF PUBLIC
5 RECORDS

6 CHAPTER 1. CRIMES, WEAPONS, AND LAW ENFORCEMENT

7 Article 1. Law Enforcement Records Generally

8 § 7923.600. Law enforcement exemption

9 7923.600. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
10 this division does not require the disclosure of records of complaints to, or
11 investigations conducted by, or records of intelligence information or security
12 procedures of, the office of the Attorney General and the Department of Justice, the
13 Office of Emergency Services and any state or local police agency, or any
14 investigatory or security files compiled by any other state or local police agency, or
15 any investigatory or security files compiled by any other state or local agency for
16 correctional, law enforcement, or licensing purposes.

17 (b) A customer list that an alarm or security company provides to a state or local
18 police agency at the agency's request is a record subject to this article.

19 **Comment.** Subdivision (a) of Section 7923.600 continues the first sentence of former Section
20 6254(f) without substantive change.

21 Subdivision (b) continues the second unnumbered paragraph of former Section 6254(f) without
22 substantive change.

23 For other provisions relating to the law enforcement exemption to the California Public Records
24 Act ("CPRA"), see Sections 7923.605-7923.625. For additional CPRA provisions relating to
25 crimes, weapons, or law enforcement, see Sections 7923.650-7923.805; see also Sections
26 7921.700-7921.710 (disclosure to district attorney and related matters). For CPRA provisions on
27 security measures and related matters, see Sections 7929.200-7929.215.

28 For other special rules applicable to specific types of public records, see Sections 7924.000-
29 7929.005, 7929.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
30 7930.215 (alphabetical list of many CPRA exemptions).

31 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
32 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
33 procedural rules governing requests for public records and related matters, see Sections 7922.500-
34 7922.725; see also Sections 7923.000-7923.510 (enforcement).

35 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
36 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
37 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
38 (restricting agency's ability to transfer public record or otherwise relinquish control over its
39 disclosure).

40 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
41 of CPRA recodification). For references to some other bodies of law governing public records, see
42 Section 7920.000 Comment.

43 See Sections 7920.510 ("local agency"), 7920.540 ("state agency").

1 **§ 7923.605. Disclosure of incident information**

2 7923.605. (a) Notwithstanding Section 7923.600, a state or local law enforcement
3 agency shall disclose the names and addresses of persons involved in, or witnesses
4 other than confidential informants to, the incident, the description of any property
5 involved, the date, time, and location of the incident, all diagrams, statements of the
6 parties involved in the incident, the statements of all witnesses, other than
7 confidential informants, to the victims of an incident, or an authorized representative
8 thereof, an insurance carrier against which a claim has been or might be made, and
9 any person suffering bodily injury or property damage or loss, as the result of the
10 incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking,
11 vandalism, vehicle theft, or a crime as defined by subdivision (b) of Section 13951,
12 unless the disclosure would endanger either of the following:

- 13 (1) The safety of a witness or other person involved in the investigation.
14 (2) The successful completion of the investigation or a related investigation.

15 (b) However, this article does not require the disclosure of that portion of those
16 investigative files that reflects the analysis or conclusions of the investigating
17 officer.

18 **Comment.** Subdivision (a) of Section 7923.605 continues the second sentence of former Section
19 6254(f) without substantive change.

20 Subdivision (b) continues the third sentence of former Section 6254(f) without substantive
21 change.

22 For other provisions relating to the law enforcement exemption to the California Public Records
23 Act (“CPRA”), see Sections 7923.600, 7923.610-7923.625. For additional CPRA provisions
24 relating to crimes, weapons, or law enforcement, see Sections 7923.650-7923.805; see also
25 Sections 7921.700-7921.710 (disclosure to district attorney and related matters). For CPRA
26 provisions on security measures and related matters, see Sections 7929.200-7929.215.

27 For other special rules applicable to specific types of public records, see Sections 7924.000-
28 7929.005, 7929.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
29 7930.215 (alphabetical list of many CPRA exemptions).

30 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
31 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
32 procedural rules governing requests for public records and related matters, see Sections 7922.500-
33 7922.725; see also Sections 7923.000-7923.510 (enforcement).

34 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
35 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
36 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
37 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
38 disclosure).

39 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
40 of CPRA recodification). For references to some other bodies of law governing public records, see
41 Section 7920.000 Comment.

42 See Section 7920.520 (“person”).

43 **§ 7923.610. Disclosure of arrest information**

44 7923.610. Notwithstanding any other provision of this article, a state or local law
45 enforcement agency shall make public all of the following information, except to
46 the extent that disclosure of a particular item of information would endanger the

1 safety of a person involved in an investigation or would endanger the successful
2 completion of the investigation or a related investigation:

3 (a) The full name and occupation of every individual arrested by the agency.

4 (b) The individual’s physical description including date of birth, color of eyes and
5 hair, sex, height and weight.

6 (c) The time and date of arrest.

7 (d) The time and date of booking.

8 (e) The location of the arrest.

9 (f) The factual circumstances surrounding the arrest.

10 (g) The amount of bail set.

11 (h) The time and manner of release or the location where the individual is
12 currently being held.

13 (i) All charges the individual is being held upon, including any outstanding
14 warrants from other jurisdictions, parole holds, and probation holds.

15 **Comment.** Section 7923.610 continues former Section 6254(f)(1) without substantive change.
16 In combination with Sections 7923.615(a) and 7923.620(a), Section 7923.610 also continues the
17 third unnumbered paragraph of former Section 6254(f) without substantive change.

18 For other provisions relating to the law enforcement exemption to the California Public Records
19 Act (“CPRA”), see Sections 7923.600-7923.605, 7923.615-7923.625. For additional CPRA
20 provisions relating to crimes, weapons, or law enforcement, see Sections 7923.650-7923.805; see
21 also Sections 7921.700-7921.710 (disclosure to district attorney and related matters). For CPRA
22 provisions on security measures and related matters, see Sections 7929.200-7929.215.

23 For other special rules applicable to specific types of public records, see Sections 7924.000-
24 7929.005, 7929.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
25 7930.215 (alphabetical list of many CPRA exemptions).

26 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
27 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
28 procedural rules governing requests for public records and related matters, see Sections 7922.500-
29 7922.725; see also Sections 7923.000-7923.510 (enforcement).

30 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
31 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
32 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
33 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
34 disclosure).

35 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
36 of CPRA recodification). For references to some other bodies of law governing public records, see
37 Section 7920.000 Comment.

38 See Section 7920.520 (“person”).

39 **§ 7923.615. Disclosure of information relating to complaints or requests for assistance**

40 7923.615. (a) Notwithstanding any other provision of this article, a state or local
41 law enforcement agency shall make public, subject to the restrictions imposed by
42 Section 841.5 of the Penal Code, the time, substance, and location of all complaints
43 or requests for assistance received by the agency, and the time and nature of the
44 response thereto, except to the extent that disclosure of a particular item of
45 information would endanger the safety of a person involved in an investigation or
46 the successful completion of the investigation or a related investigation. To the

1 extent the information regarding crimes alleged or committed or any other incident
2 investigated is recorded, this includes all of the following:

- 3 (1) The time, date, and location of occurrence.
- 4 (2) The time and date of the report.
- 5 (3) The name and age of the victim.
- 6 (4) The factual circumstances surrounding the crime or incident.
- 7 (5) A general description of any injuries, property, or weapons involved.

8 (b)(1) The name of a victim of any crime defined by Section 220, 261, 261.5, 262,
9 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d,
10 273.5, 285, 286, 287, 288, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7,
11 422.75, 646.9, or 647.6 of, or former Section 288a of, the Penal Code may be
12 withheld at the victim’s request, or at the request of the victim’s parent or guardian
13 if the victim is a minor.

14 (2) When a person is the victim of more than one crime, information disclosing
15 that the person is a victim of a crime defined in any of the sections of the Penal Code
16 set forth in this article may be deleted at the request of the victim, or the victim’s
17 parent or guardian if the victim is a minor, in making the report of the crime, or of
18 any crime or incident accompanying the crime, available to the public in compliance
19 with the requirements of this section.

20 (c)(1) Subject to the restrictions imposed by Section 841.5 of the Penal Code, the
21 names and images of a victim of human trafficking, as defined in Section 236.1 of
22 the Penal Code, and of that victim’s immediate family, other than a family member
23 who is charged with a criminal offense arising from the same incident, may be
24 withheld at the victim’s request until the investigation or any subsequent
25 prosecution is complete.

26 (2) For purposes of this article, “immediate family” shall have the same meaning
27 as that provided in paragraph (3) of subdivision (b) of Section 422.4 of the Penal
28 Code.

29 **Comment.** Subdivision (a) of Section 7923.615 continues the first sentence of former Section
30 6254(f)(2)(A) without substantive change. In combination with Sections 7923.610 and
31 7923.620(a), subdivision (a) also continues the third unnumbered paragraph of former Section
32 6254(f) without substantive change.

33 Subdivision (b) continues the second and third sentences of former Section 6254(f)(2)(A)
34 without substantive change. Revisions have been made to reflect that Penal Code Section 288a was
35 renumbered as Penal Code Section 287. See 2018 Cal. Stat. ch. 423, § 49.

36 Subdivision (c) continues former Section 6254(f)(2)(B) without substantive change.

37 For other provisions relating to the law enforcement exemption to the California Public Records
38 Act (“CPRA”), see Sections 7923.600-7923.610, 7923.620-7923.625. For additional CPRA
39 provisions relating to crimes, weapons, or law enforcement, see Sections 7923.650-7923.805; see
40 also Sections 7921.700-7921.710 (disclosure to district attorney and related matters). For CPRA
41 provisions on security measures and related matters, see Sections 7929.200-7929.215.

42 For other special rules applicable to specific types of public records, see Sections 7924.000-
43 7929.005, 7929.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
44 7930.215 (alphabetical list of many CPRA exemptions).

45 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
46 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For

1 procedural rules governing requests for public records and related matters, see Sections 7922.500-
2 7922.725; see also Sections 7923.000-7923.510 (enforcement).

3 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
4 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
5 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
6 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
7 disclosure).

8 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
9 of CPRA recodification). For references to some other bodies of law governing public records, see
10 Section 7920.000 Comment.

11 See Section 7920.520 (“person”).

12 **Note.** In 2018, the Legislature enacted a bill renumbering Penal Code Section 288a as Penal Code
13 Section 287. See 2018 Cal. Stat. ch. 423, § 49 (SB 1494 (Committee on Public Safety)). That bill
14 included a conforming revision of Section 6254(f)(2), but the conforming revision was chaptered
15 out by another bill. See Section 9605 (bill conflict rules); 2018 Cal. Stat. ch. 423, §§ 27 (conforming
16 revision), 130 (subordination clause); 2018 Cal. Stat. ch. 960, § 1 (AB 748 (Ting)).

17 As noted in the accompanying Comment, proposed Section 7923.615 would continue the
18 substance of Section 6254(f)(2), with revisions to reflect the renumbering of Penal Code Section
19 288a (in the same manner as the conforming revision that was chaptered out).

20 **§ 7923.620. Disclosure of arrestee’s address or victim’s address for specified purposes**

21 7923.620. (a) Notwithstanding any other provision of this article, if the requester
22 declares under penalty of perjury that the request is made for a scholarly,
23 journalistic, political, or governmental purpose, or that the request is made for
24 investigation purposes by a licensed private investigator as described in Chapter
25 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions
26 Code, a state or local law enforcement agency shall make public the following
27 information, except to the extent that disclosure of a particular item of information
28 would endanger the safety of a person involved in an investigation or would
29 endanger the successful completion of the investigation or a related investigation:

30 (1) Subject to the restrictions of Section 841.5 of the Penal Code and this article,
31 the current address of every individual arrested by the agency.

32 (2) Subject to the restrictions of Section 841.5 of the Penal Code and this article,
33 the current address of the victim of a crime. However, the address of the victim of
34 any crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266,
35 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 287, 288,
36 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of, or
37 former Section 288a of, the Penal Code shall remain confidential.

38 (b) Address information obtained pursuant to this section shall not be used directly
39 or indirectly, or furnished to another, to sell a product or service to any individual
40 or group of individuals, and the requester shall execute a declaration to that effect
41 under penalty of perjury.

42 (c) This section shall not be construed to prohibit or limit a scholarly, journalistic,
43 political, or government use of address information obtained pursuant to this
44 section.

1 **Comment.** Subdivision (a) of Section 7923.620 continues the first and second sentences of
2 former Section 6254(f)(3) without substantive change. In combination with Sections 7923.610 and
3 Section 7923.615(a), subdivision (a) also continues the third unnumbered paragraph of former
4 Section 6254(f) without substantive change. Revisions have been made to reflect that Penal Code
5 Section 288a was renumbered as Penal Code Section 287. See 2018 Cal. Stat. ch. 423, § 49.

6 Subdivision (b) continues the third sentence of former Section 6254(f)(3) without substantive
7 change.

8 Subdivision (c) continues the fourth sentence of former Section 6254(f)(3) without substantive
9 change.

10 For other provisions relating to the law enforcement exemption to the California Public Records
11 Act (“CPRA”), see Sections 7923.600-7923.615, 7923.625. For additional CPRA provisions
12 relating to crimes, weapons, or law enforcement, see Sections 7923.650-7923.805; see also
13 Sections 7921.700-7921.710 (disclosure to district attorney and related matters). For CPRA
14 provisions on security measures and related matters, see Sections 7929.200-7929.215. For other
15 CPRA provisions that relate to personal information or customer records, see Sections 7927.400-
16 7927.420.

17 For other special rules applicable to specific types of public records, see Sections 7924.000-
18 7929.005, 7929.500-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
19 7930.215 (alphabetical list of many CPRA exemptions).

20 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
21 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
22 procedural rules governing requests for public records and related matters, see Sections 7922.500-
23 7922.725; see also Sections 7923.000-7923.510 (enforcement).

24 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
25 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
26 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
27 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
28 disclosure).

29 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
30 of CPRA recodification). For references to some other bodies of law governing public records, see
31 Section 7920.000 Comment.

32 See Section 7920.520 (“person”).

33 **Note.** In 2018, the Legislature enacted a bill renumbering Penal Code Section 288a as Penal Code
34 Section 287. See 2018 Cal. Stat. ch. 423, § 49 (SB 1494 (Committee on Public Safety)). That bill
35 included a conforming revision of Section 6254(f)(3), but the conforming revision was chaptered
36 out by another bill. See Section 9605 (bill conflict rules); 2018 Cal. Stat. ch. 423, §§ 27 (conforming
37 revision), 130 (subordination clause); 2018 Cal. Stat. ch. 960, § 1 (AB 748 (Ting)).

38 As noted in the accompanying Comment, proposed Section 7923.620 would continue the
39 substance of Section 6254(f)(3), with revisions to reflect the renumbering of Penal Code Section
40 288a (in the same manner as the conforming revision that was chaptered out).

41 **§ 7923.625. Video or audio recording relating to critical incident**

42 7923.625. Notwithstanding any other provision of this article, commencing July
43 1, 2019, a video or audio recording that relates to a critical incident, as defined in
44 subdivision (e), may be withheld only as follows:

45 (a)(1) During an active criminal or administrative investigation, disclosure of a
46 recording related to a critical incident may be delayed for no longer than 45 calendar
47 days after the date the agency knew or reasonably should have known about the
48 incident, if, based on the facts and circumstances depicted in the recording,
49 disclosure would substantially interfere with the investigation, such as by

1 endangering the safety of a witness or a confidential source. If an agency delays
2 disclosure pursuant to this section, the agency shall provide in writing to the
3 requester the specific basis for the agency's determination that disclosure would
4 substantially interfere with the investigation and the estimated date for disclosure.

5 (2) After 45 days from the date the agency knew or reasonably should have known
6 about the incident, and up to one year from that date, the agency may continue to
7 delay disclosure of a recording if the agency demonstrates that disclosure would
8 substantially interfere with the investigation. After one year from the date the
9 agency knew or reasonably should have known about the incident, the agency may
10 continue to delay disclosure of a recording only if the agency demonstrates by clear
11 and convincing evidence that disclosure would substantially interfere with the
12 investigation. If an agency delays disclosure pursuant to this paragraph, the agency
13 shall promptly provide in writing to the requester the specific basis for the agency's
14 determination that the interest in preventing interference with an active investigation
15 outweighs the public interest in disclosure and provide the estimated date for the
16 disclosure. The agency shall reassess withholding and notify the requester every 30
17 days. A recording withheld by the agency shall be disclosed promptly when the
18 specific basis for withholding is resolved.

19 (b)(1) If the agency demonstrates, on the facts of the particular case, that the
20 public interest in withholding a video or audio recording clearly outweighs the
21 public interest in disclosure because the release of the recording would, based on
22 the facts and circumstances depicted in the recording, violate the reasonable
23 expectation of privacy of a subject depicted in the recording, the agency shall
24 provide in writing to the requester the specific basis for the expectation of privacy
25 and the public interest served by withholding the recording and may use redaction
26 technology, including blurring or distorting images or audio, to obscure those
27 specific portions of the recording that protect that interest. However, the redaction
28 shall not interfere with the viewer's ability to fully, completely, and accurately
29 comprehend the events captured in the recording and the recording shall not
30 otherwise be edited or altered.

31 (2) Except as provided in paragraph (3), if the agency demonstrates that the
32 reasonable expectation of privacy of a subject depicted in the recording cannot
33 adequately be protected through redaction as described in paragraph (1) and that
34 interest outweighs the public interest in disclosure, the agency may withhold the
35 recording from the public, except that the recording, either redacted as provided in
36 paragraph (1) or unredacted, shall be disclosed promptly, upon request, to any of
37 the following:

38 (A) The subject of the recording whose privacy is to be protected, or the subject's
39 authorized representative.

40 (B) If the subject is a minor, the parent or legal guardian of the subject whose
41 privacy is to be protected.

1 (C) If the subject whose privacy is to be protected is deceased, an heir,
2 beneficiary, designated immediate family member, or authorized legal
3 representative of the deceased subject whose privacy is to be protected.

4 (3) If disclosure pursuant to paragraph (2) would substantially interfere with an
5 active criminal or administrative investigation, the agency shall provide in writing
6 to the requester the specific basis for the agency's determination that disclosure
7 would substantially interfere with the investigation, and provide the video or audio
8 recording. Thereafter, the recording may be withheld by the agency for 45 calendar
9 days, subject to extensions as set forth in paragraph (2) of subdivision (a).

10 (c) An agency may provide greater public access to video or audio recordings than
11 the minimum standards set forth in this section.

12 (d) For purposes of this section, a peace officer does not include any peace officer
13 employed by the Department of Corrections and Rehabilitation.

14 (e) For purposes of this section, a video or audio recording relates to a critical
15 incident if it depicts any of the following incidents:

16 (1) An incident involving the discharge of a firearm at a person by a peace officer
17 or custodial officer.

18 (2) An incident in which the use of force by a peace officer or custodial officer
19 against a person resulted in death or in great bodily injury.

20 (f) This section does not alter, limit, or negate any other rights, remedies, or
21 obligations with respect to public records regarding an incident other than a critical
22 incident as described in subdivision (e).

23 **Comment.** Section 7923.625 continues former Section 6254(f)(4) without substantive change.

24 For other provisions relating to the law enforcement exemption to the California Public Records
25 Act ("CPRA"), see Sections 7923.600-7923.620. For additional CPRA provisions relating to
26 crimes, weapons, or law enforcement, see Sections 7923.650-7923.805; see also Sections
27 7921.700-7921.710 (disclosure to district attorney and related matters). For CPRA provisions on
28 security measures and related matters, see Sections 7929.200-7929.215.

29 For other special rules applicable to specific types of public records, see Sections 7924.000-
30 7929.005, 7929.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
31 7930.215 (alphabetical list of many CPRA exemptions).

32 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
33 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
34 procedural rules governing requests for public records and related matters, see Sections 7922.500-
35 7922.725; see also Sections 7923.000-7923.510 (enforcement).

36 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
37 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
38 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
39 (restricting agency's ability to transfer public record or otherwise relinquish control over its
40 disclosure).

41 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
42 of CPRA recodification). For references to some other bodies of law governing public records, see
43 Section 7920.000 Comment.

44 See Sections 7920.520 ("person"), 7920.530 ("public records").

Article 2. Obtaining Access to Law Enforcement Records

§ 7923.650. District attorney’s request to inspect licensing records

7923.650. The exemption of records of complaints to, or investigations conducted by, any state or local agency for licensing purposes under Article 1 (commencing with Section 7923.600) shall not apply when a district attorney requests inspection of those records.

Comment. Section 7923.650 continues former Section 6262 without substantive change.

For other provisions of the California Public Records Act (“CPRA”) that relate specifically to district attorneys, see Sections 7921.700-7921.710. For additional CPRA provisions that relate specifically to crimes, weapons, or law enforcement, see the rest of this chapter (Sections 7923.600-7923.805). For CPRA provisions on security measures and related matters, see Sections 7929.200-7929.215.

For other special rules applicable to specific types of public records, see Sections 7924.000-7929.005, 7929.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For procedural rules governing requests for public records and related matters, see Sections 7922.500-7922.725; see also Sections 7923.000-7923.510 (enforcement).

For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010 (restricting agency’s ability to transfer public record or otherwise relinquish control over its disclosure).

For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect of CPRA recodification). For references to some other bodies of law governing public records, see Section 7920.000 Comment.

See Sections 7920.510 (“local agency”), 7920.540 (“state agency”).

§ 7923.655. Required documentation as prerequisite to receipt of information

7923.655. (a) A state or local law enforcement agency shall not require a victim of an incident, or an authorized representative of a victim, to show proof of the victim’s legal presence in the United States in order to obtain the information required to be disclosed by that law enforcement agency pursuant to Article 1 (commencing with Section 7923.600).

(b) If, for identification purposes, a state or local law enforcement agency requires a victim of an incident, or an authorized representative of a victim, to provide identification in order to obtain information required to be disclosed by that law enforcement agency pursuant to Article 1 (commencing with Section 7923.600), the agency shall at a minimum accept any of the following:

(1) A current driver’s license or identification card issued by any state in the United States.

(2) A current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship.

(3) A current Matricula Consular card.

Comment. Subdivision (a) of Section 7923.655 continues the first sentence of former Section

1 6254.30 without substantive change.

2 Subdivision (b) continues the second sentence of former Section 6254.30 without substantive
3 change.

4 For additional provisions of the California Public Records Act (“CPRA”) that relate specifically
5 to crimes, weapons, or law enforcement, see the rest of this chapter (Sections 7923.600-7923.805).
6 For CPRA provisions on security measures and related matters, see Sections 7929.200-7929.215.

7 For other special rules applicable to specific types of public records, see Sections 7924.000-
8 7929.005, 7929.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
9 7930.215 (alphabetical list of many CPRA exemptions).

10 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
11 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
12 procedural rules governing requests for public records and related matters, see Sections 7922.500-
13 7922.725; see also Sections 7923.000-7923.510 (enforcement).

14 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
15 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
16 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
17 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
18 disclosure).

19 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
20 of CPRA recodification). For references to some other bodies of law governing public records, see
21 Section 7920.000 Comment.

22 Article 3. Records of Emergency Communications to Public Safety
23 Authorities

24 § 7923.700. Emergency information

25 7923.700. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
26 division does not require the disclosure of a record obtained pursuant to paragraph
27 (2) of subdivision (f) of Section 2891.1 of the Public Utilities Code.

28 **Comment.** Section 7923.700 continues former Section 6254(z) without substantive change.

29 For additional provisions of the California Public Records Act (“CPRA”) that relate specifically
30 to crimes, weapons, or law enforcement, see the rest of this chapter (Sections 7923.600-7923.805).
31 For CPRA provisions on security measures and related matters, see Sections 7929.200-7929.215.

32 For other special rules applicable to specific types of public records, see Sections 7924.000-
33 7929.005, 7929.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
34 7930.215 (alphabetical list of many CPRA exemptions).

35 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
36 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
37 procedural rules governing requests for public records and related matters, see Sections 7922.500-
38 7922.725; see also Sections 7923.000-7923.510 (enforcement).

39 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
40 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
41 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
42 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
43 disclosure).

44 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
45 of CPRA recodification). For references to some other bodies of law governing public records, see
46 Section 7920.000 Comment.

1 Article 4. Records Specifically Relating to Crime Victims

2 **§ 7923.750. Video and audio recordings**

3 7923.750. (a) This division does not require disclosure of a video or audio
4 recording that was created during the commission or investigation of the crime of
5 rape, incest, sexual assault, domestic violence, or child abuse that depicts the face,
6 intimate body part, or voice of a victim of the incident depicted in the recording. An
7 agency shall justify withholding such a video or audio recording by demonstrating,
8 pursuant to Section 7922.000 and subdivision (a) of Section 7922.540, that on the
9 facts of the particular case, the public interest served by not disclosing the recording
10 clearly outweighs the public interest served by disclosure of the recording.

11 (b) When balancing the public interests as required by this section, an agency shall
12 consider both of the following:

13 (1) The constitutional right to privacy of the person or persons depicted in the
14 recording.

15 (2) Whether the potential harm to the victim caused by disclosing the recording
16 may be mitigated by redacting the recording to obscure images showing intimate
17 body parts and personally identifying characteristics of the victim or by distorting
18 portions of the recording containing the victim's voice, provided that the redaction
19 does not prevent a viewer from being able to fully and accurately perceive the events
20 captured on the recording. The recording shall not otherwise be edited or altered.

21 (c) A victim of a crime described in subdivision (a) who is a subject of a recording,
22 the parent or legal guardian of a minor subject, a deceased subject's next of kin, or
23 a subject's legally authorized designee, shall be permitted to inspect the recording
24 and to obtain a copy of the recording. Disclosure under this subdivision does not
25 require that the record be made available to the public pursuant to Section 7921.505.

26 (d) Nothing in this section shall be construed to affect any other exemption
27 provided by this division.

28 **Comment.** Section 7923.750 continues former Section 6254.4.5 without substantive change.

29 For additional provisions of the California Public Records Act ("CPRA") that relate specifically
30 to crimes, weapons, or law enforcement, see the rest of this chapter (Sections 7923.600-7923.805).
31 For CPRA provisions on security measures and related matters, see Sections 7929.200-7929.215.

32 For other special rules applicable to specific types of public records, see Sections 7924.000-
33 7929.005, 7929.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
34 7930.215 (alphabetical list of many CPRA exemptions).

35 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
36 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
37 procedural rules governing requests for public records and related matters, see Sections 7922.500-
38 7922.725; see also Sections 7923.000-7923.510 (enforcement).

39 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
40 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
41 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
42 (restricting agency's ability to transfer public record or otherwise relinquish control over its
43 disclosure).

1 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
2 of CPRA recodification). For references to some other bodies of law governing public records, see
3 Section 7920.000 Comment.

4 See Section 7920.520 (“person”).

5 **§ 7923.755. Records of the California Victim Compensation Board**

6 7923.755. (a) This division does not require disclosure of a record of the
7 California Victim Compensation Board that relates to a request for assistance under
8 Article 1 (commencing with Section 13950) of Chapter 5 of Part 4 of Division 3 of
9 Title 2.

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

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

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

16 **Comment.** Section 7923.755 continues former Section 6254.17 without substantive change.

17 For additional provisions of the California Public Records Act (“CPRA”) that relate specifically
18 to crimes, weapons, or law enforcement, see the rest of this chapter (Sections 7923.600-7923.805).
19 For CPRA provisions on security measures and related matters, see Sections 7929.200-7929.215.

20 For other special rules applicable to specific types of public records, see Sections 7924.000-
21 7929.005, 7929.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
22 7930.215 (alphabetical list of many CPRA exemptions).

23 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
24 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
25 procedural rules governing requests for public records and related matters, see Sections 7922.500-
26 7922.725; see also Sections 7923.000-7923.510 (enforcement).

27 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
28 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
29 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
30 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
31 disclosure).

32 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
33 of CPRA recodification). For references to some other bodies of law governing public records, see
34 Section 7920.000 Comment.

35 **Article 5. Firearm Licenses and Related Records**

36 **§ 7923.800. Personal information**

37 7923.800. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
38 division does not require the disclosure of any of the following information
39 contained in an application for a license to carry a firearm, issued by the sheriff of
40 a county or the chief or other head of a municipal police department pursuant to
41 Section 26150, 26155, 26170, or 26215 of the Penal Code:

42 (a) Information that indicates when or where the applicant is vulnerable to attack.

43 (b) Information that concerns the applicant’s medical or psychological history, or
44 that of members of the applicant’s family.

1 **Comment.** Section 7923.800 continues former Section 6254(u)(1) without substantive change.

2 For additional provisions of the California Public Records Act (“CPRA”) that relate specifically
3 to crimes, weapons, or law enforcement, see the rest of this chapter (Sections 7923.600-7923.805).
4 For CPRA provisions on security measures and related matters, see Sections 7929.200-7929.215.
5 For laws governing firearms and other deadly weapons, see Penal Code Sections 16000-34370.

6 For other special rules applicable to specific types of public records, see Sections 7924.000-
7 7929.005, 7929.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
8 7930.215 (alphabetical list of many CPRA exemptions).

9 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
10 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
11 procedural rules governing requests for public records and related matters, see Sections 7922.500-
12 7922.725; see also Sections 7923.000-7923.510 (enforcement).

13 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
14 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
15 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
16 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
17 disclosure).

18 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
19 of CPRA recodification). For references to some other bodies of law governing public records, see
20 Section 7920.000 Comment.

21 **§ 7923.805. Address and telephone number of person in criminal justice field**

22 7923.805. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
23 division does not require the disclosure of the home address or telephone number of
24 any of the following individuals, as set forth in an application for a license to carry
25 a firearm, or in a license to carry a firearm, issued by the sheriff of a county or the
26 chief or other head of a municipal police department, pursuant to Section 26150,
27 26155, 26170, or 26215 of the Penal Code:

- 28 (a) A prosecutor.
- 29 (b) A public defender.
- 30 (c) A peace officer.
- 31 (d) A judge.
- 32 (e) A court commissioner.
- 33 (f) A magistrate.

34 **Comment.** Section 7923.805 continues former Section 6254(u)(2)-(3) without substantive
35 change.

36 For additional provisions of the California Public Records Act (“CPRA”) that relate specifically
37 to crimes, weapons, or law enforcement, see the rest of this chapter (Sections 7923.600-7923.805).
38 For CPRA provisions on security measures and related matters, see Sections 7929.200-7929.215.
39 For laws governing firearms and other deadly weapons, see Penal Code Sections 16000-34370.

40 For other special rules applicable to specific types of public records, see Sections 7924.000-
41 7929.005, 7929.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
42 7930.215 (alphabetical list of many CPRA exemptions).

43 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
44 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
45 procedural rules governing requests for public records and related matters, see Sections 7922.500-
46 7922.725; see also Sections 7923.000-7923.510 (enforcement).

47 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
48 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
49 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010

1 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
2 disclosure).

3 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
4 of CPRA recodification). For references to some other bodies of law governing public records, see
5 Section 7920.000 Comment.

6 CHAPTER 2. ELECTION MATERIALS AND PETITIONS

7 Article 1. Voter Information

8 § 7924.000. Voter registration information

9 7924.000. (a) Except as provided in Section 2194 of the Elections Code, both of
10 the following are confidential and shall not be disclosed to any person:

11 (1) The home address, telephone number, email address, precinct number, or other
12 number specified by the Secretary of State for voter registration purposes.

13 (2) Prior registration information shown on an affidavit of registration.

14 (b) The California driver’s license number, the California identification card
15 number, the social security number, and any other unique identifier used by the State
16 of California for purposes of voter identification shown on an affidavit of
17 registration, or added to the voter registration records to comply with the
18 requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901
19 et seq.), are confidential and shall not be disclosed to any person.

20 (c) The signature of the voter that is shown on an affidavit of registration is
21 confidential and shall not be disclosed to any person.

22 (d) For purposes of this section, “home address” means street address only, and
23 does not include an individual’s city or post office address.

24 **Comment.** Section 7924.000 continues former Section 6254.4 without substantive change. The
25 citation to the federal Help America Vote Act of 2002 has been updated to reflect relocation of that
26 Act within the United States Code.

27 For additional provisions of the California Public Records Act (“CPRA”) that relate specifically
28 to election materials and petitions, see the rest of this chapter (Sections 7924.005-7924.110). For
29 other special rules applicable to specific types of public records, see Sections 7923.600-7923.805,
30 7924.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-7930.215
31 (alphabetical list of many CPRA exemptions).

32 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
33 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
34 procedural rules governing requests for public records and related matters, see Sections 7922.500-
35 7922.725; see also Sections 7923.000-7923.510 (enforcement).

36 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
37 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
38 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
39 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
40 disclosure).

41 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
42 of CPRA recodification). For references to some other bodies of law governing public records, see
43 Section 7920.000 Comment.

44 See Section 7920.520 (“person”).

1 § 7924.005. Information identifying requester of bilingual ballot or ballot pamphlet

2 7924.005. (a) Notwithstanding Sections 7920.510, 7920.515, 7920.520,
3 7920.530, 7920.540, 7920.550, 7922.545, subdivision (a) of Section 7920.525,
4 subdivision (b) of Section 7922.540, and Sections 7922.500 to 7922.535, inclusive,
5 information compiled by a public officer or public employee that reveals the identity
6 of a person who has requested a bilingual ballot or ballot pamphlet, in accordance
7 with any federal or state law, or other data that would reveal the identity of the
8 requester, is not a public record and shall not be provided to any person other than
9 a public officer or public employee who is responsible for receiving the request and
10 processing it.

11 (b) Subdivision (a) does not prohibit a person, otherwise authorized by law, from
12 examining election materials, including, but not limited to, an affidavit of
13 registration, provided that a request for a bilingual ballot or ballot pamphlet is
14 subject to the restrictions in subdivision (a).

15 **Comment.** Section 7924.005 continues former Section 6253.6 without substantive change. See
16 Section 13 (singular includes plural and vice versa).

17 For additional provisions of the California Public Records Act (“CPRA”) that relate specifically
18 to election materials and petitions, see the rest of this chapter (Sections 7924.000-7924.110). For
19 other special rules applicable to specific types of public records, see Sections 7923.600-7923.805,
20 7924.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-7930.215
21 (alphabetical list of many CPRA exemptions).

22 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
23 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
24 procedural rules governing requests for public records and related matters, see Sections 7922.500-
25 7922.725; see also Sections 7923.000-7923.510 (enforcement).

26 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
27 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
28 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
29 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
30 disclosure).

31 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
32 of CPRA recodification). For references to some other bodies of law governing public records, see
33 Section 7920.000 Comment.

34 See Sections 7920.520 (“person”), 7920.530 (“public records”).

35 Article 2. Initiative, Referendum, Recall, and Other Petitions and
36 Related Materials

37 § 7924.100. “Petition”

38 7924.100. As used in this article, “petition” means any petition to which a
39 registered voter has affixed the voter’s own signature.

40 **Comment.** Section 7924.100 continues former Section 6253.5(c) without substantive change.

41 For additional provisions of the California Public Records Act (“CPRA”) that relate specifically
42 to election materials and petitions, see the rest of this chapter (Sections 7924.000-7924.110). For
43 other special rules applicable to specific types of public records, see Sections 7923.600-7923.805,
44 7924.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-7930.215
45 (alphabetical list of many CPRA exemptions).

1 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
2 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
3 procedural rules governing requests for public records and related matters, see Sections 7922.500-
4 7922.725; see also Sections 7923.000-7923.510 (enforcement).

5 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
6 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
7 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
8 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
9 disclosure).

10 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
11 of CPRA recodification). For references to some other bodies of law governing public records, see
12 Section 7920.000 Comment.

13 **§ 7924.105. “Proponent of the petition”**

14 7924.105. As used in this article, “proponent of the petition” means the following:

15 (a) For a statewide initiative or referendum measure, the person who submits a
16 draft of a petition proposing the measure to the Attorney General with a request that
17 the Attorney General prepare a title and summary of the chief purpose and points of
18 the proposed measure.

19 (b) For other initiative and referendum measures, the person who publishes a
20 notice of intention to circulate a petition, or, where publication is not required, who
21 files the petition with an elections official.

22 (c) For a recall measure, the person defined in Section 343 of the Elections Code.

23 (d) For a petition circulated pursuant to Section 5091 of the Education Code, the
24 person having charge of the petition who submits the petition to the county
25 superintendent of schools.

26 (e) For a petition circulated pursuant to Article 1 (commencing with Section
27 35700) of Chapter 4 of Part 21 of the Education Code, the person designated as chief
28 petitioner under Section 35701 of the Education Code.

29 (f) For a petition circulated pursuant to Part 46 (commencing with Section 74000)
30 of the Education Code, the person designated as chief petitioner under Section
31 74102, 74133, or 74152 of the Education Code.

32 **Comment.** Section 7924.105 continues former Section 6253.5(d) without substantive change.
33 Section 13 (singular includes plural and vice versa).

34 For additional provisions of the California Public Records Act (“CPRA”) that relate specifically
35 to election materials and petitions, see the rest of this chapter (Sections 7924.000-7924.110). For
36 other special rules applicable to specific types of public records, see Sections 7923.600-7923.805,
37 7924.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-7930.215
38 (alphabetical list of many CPRA exemptions).

39 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
40 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
41 procedural rules governing requests for public records and related matters, see Sections 7922.500-
42 7922.725; see also Sections 7923.000-7923.510 (enforcement).

43 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
44 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
45 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
46 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
47 disclosure).

1 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
2 of CPRA recodification). For references to some other bodies of law governing public records, see
3 Section 7920.000 Comment.

4 See Sections 7920.520 (“person”), 7924.100 (“petition”).

5 **§ 7924.110. Initiative, referendum, or recall petition, or petition for reorganization of school**
6 **districts or community college districts**

7 7924.110. (a) Notwithstanding Sections 7920.510, 7920.515, 7920.520,
8 7920.530, 7920.540, 7920.550, 7922.545, subdivision (a) of Section 7920.525,
9 subdivision (b) of Section 7922.540, and Sections 7922.500 to 7922.535, inclusive,
10 the following are not public records:

11 (1) A statewide, county, city, or district initiative, referendum, or recall petition.

12 (2) A petition circulated pursuant to Section 5091 of the Education Code.

13 (3) A petition for reorganization of school districts submitted pursuant to Article
14 1 (commencing with Section 35700) of Chapter 4 of Part 21 of the Education Code.

15 (4) A petition for reorganization of community college districts submitted
16 pursuant to Part 46 (commencing with Section 74000) of the Education Code.

17 (5) A memorandum prepared by a county elections official in the examination of
18 a petition, indicating which registered voters signed that particular petition.

19 (b) The materials described in subdivision (a) shall not be open to inspection
20 except by the following persons:

21 (1) A public officer or public employee who has the duty of receiving, examining,
22 or preserving the petition, or who is responsible for preparation of the memorandum.

23 (2) If a petition is found to be insufficient, by the proponent of the petition and a
24 representative of the proponent as may be designated by the proponent in writing,
25 in order to determine which signatures were disqualified and the reasons therefor.

26 (c) Notwithstanding subdivisions (a) and (b), the Attorney General, the Secretary
27 of State, the Fair Political Practices Commission, a district attorney, a city attorney,
28 a school district attorney, and a community college district attorney shall be
29 permitted to examine the materials described in subdivision (a) upon approval of
30 the appropriate superior court.

31 (d) If the proponent of a petition is permitted to examine a petition and a
32 memorandum pursuant to subdivision (b), the examination shall commence not later
33 than 21 days after certification of insufficiency, and the county elections official
34 shall retain the documents as prescribed in Section 17200 of the Elections Code.

35 **Comment.** Subdivision (a) and (b) of Section 7924.110 continue the first sentence of former
36 Section 6253.5(a) without substantive change.

37 Subdivision (c) continues the second sentence of former Section 6253.5(a) without substantive
38 change.

39 Subdivision (d) continues former Section 6253.5(b) without substantive change.

40 For additional provisions of the California Public Records Act (“CPRA”) that relate specifically
41 to election materials and petitions, see the rest of this chapter (Sections 7924.000-7924.110). For
42 other special rules applicable to specific types of public records, see Sections 7923.600-7923.805,
43 7924.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-7930.215
44 (alphabetical list of many CPRA exemptions).

1 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
2 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
3 procedural rules governing requests for public records and related matters, see Sections 7922.500-
4 7922.725; see also Sections 7923.000-7923.510 (enforcement).

5 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
6 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
7 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
8 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
9 disclosure).

10 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
11 of CPRA recodification). For references to some other bodies of law governing public records, see
12 Section 7920.000 Comment.

13 See Sections 7920.520 (“person”), 7920.530 (“public records”), 7920.550 (“writing”), 7924.100
14 (“petition”), 7924.105 (“proponent of the petition”). See also Section 13 (singular includes plural
15 and vice versa).

16 CHAPTER 3. ENVIRONMENTAL PROTECTION, BUILDING STANDARDS,
17 AND SAFETY REQUIREMENTS

18 Article 1. Pesticide Safety and Efficacy Information Disclosable
19 Under the Federal Insecticide, Fungicide, and Rodenticide Act

20 § 7924.300. Disclosure of pesticide safety and efficacy information

21 7924.300. If both of the following conditions are satisfied, nothing in this division
22 exempts from public disclosure the same categories of pesticide safety and efficacy
23 information that are disclosable under paragraph (1) of subsection (d) of Section 10
24 of the federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec.
25 136h(d)(1)):

26 (a) The individual requesting the information is not an officer, employee, or agent
27 specified in subdivision (a) of Section 7924.310.

28 (b) The individual signs the affirmation specified in subdivision (b) of Section
29 7924.310.

30 **Comment.** Section 7924.300 continues former Section 6254.2(a) without substantive change.

31 For additional provisions of the California Public Records Act (“CPRA”) that relate to pesticide
32 safety and efficacy information disclosable under the federal Insecticide, Fungicide, and
33 Rodenticide Act, see the rest of this article (Sections 7924.305-7924.335). For CPRA provisions
34 relating to pollution, see Sections 7924.500-7924.510; see also Section 7924.900 (internet posting
35 of final enforcement orders of California Environmental Protection Agency and specified entities
36 within that entity). For a provision on housing or building violations, see Section 7924.700.

37 For other special rules applicable to specific types of public records, see Sections 7923.600-
38 7924.110, 7925.000-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
39 7930.215 (alphabetical list of many CPRA exemptions).

40 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
41 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
42 procedural rules governing requests for public records and related matters, see Sections 7922.500-
43 7922.725; see also Sections 7923.000-7923.510 (enforcement).

44 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
45 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
46 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010

1 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
2 disclosure).

3 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
4 of CPRA recodification). For references to some other bodies of law governing public records, see
5 Section 7920.000 Comment.

6 **§ 7924.305. Data submitted and designated as trade secret**

7 7924.305. (a) The Director of Pesticide Regulation, upon the Director’s initiative,
8 or upon receipt of a request pursuant to this division for the release of data submitted
9 and designated as a trade secret by a registrant or applicant, shall determine whether
10 any or all of the data so submitted is a properly designated trade secret. In order to
11 assure that the interested public has an opportunity to obtain and review pesticide
12 safety and efficacy data and to comment prior to the expiration of the public
13 comment period on a proposed pesticide registration, the director shall provide
14 notice to interested persons when an application for registration enters the
15 registration evaluation process.

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

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

22 (d) The director shall determine whether the data is protected as a trade secret
23 within 15 days after receipt of the justification and statement or, if no justification
24 and statement is filed, within 45 days of the original notice. The director shall notify
25 the registrant or applicant and any party who has requested the data pursuant to this
26 division of that determination by certified mail. If the director determines that the
27 data is not protected as a trade secret, the final notice shall also specify a date, not
28 sooner than 15 days after the date of mailing of the final notice, when the data shall
29 be available to any person requesting information pursuant to Section 7924.300.

30 (e) This article does not prohibit any person from maintaining a civil action for
31 wrongful disclosure of a trade secret.

32 (f) “Trade secret” means data that is nondisclosable under paragraph (1) of
33 subsection (d) of Section 10 of the federal Insecticide, Fungicide, and Rodenticide
34 Act (7 U.S.C. Sec. 136h(d)(1)).

35 **Comment.** Subdivision (a) of Section 7924.305 continues former Section 6254.2(b) without
36 substantive change.

37 Subdivision (b) continues former Section 6254.2(c) without substantive change.

38 Subdivision (c) continues former Section 6254.2(d) without substantive change.

39 Subdivision (d) continues former Section 6254.2(e) without substantive change.

40 Subdivision (e) continues former Section 6254.2(m) without substantive change.

41 Subdivision (f) continues former Section 6254.2(f) without substantive change.

42 For additional provisions of the California Public Records Act (“CPRA”) that relate to pesticide
43 safety and efficacy information disclosable under the federal Insecticide, Fungicide, and
44 Rodenticide Act, see the rest of this article (Sections 7924.300-7924.335). For CPRA provisions
45 relating to pollution, see Sections 7924.500-7924.510; see also Section 7924.900 (internet posting

1 of final enforcement orders of California Environmental Protection Agency and specified entities
2 within that entity). For a provision on housing or building violations, see Section 7924.700.

3 For other special rules applicable to specific types of public records, see Sections 7923.600-
4 7924.110, 7925.000-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
5 7930.215 (alphabetical list of many CPRA exemptions).

6 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
7 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
8 procedural rules governing requests for public records and related matters, see Sections 7922.500-
9 7922.725; see also Sections 7923.000-7923.510 (enforcement).

10 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
11 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
12 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
13 (restricting agency's ability to transfer public record or otherwise relinquish control over its
14 disclosure).

15 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
16 of CPRA recodification). For references to some other bodies of law governing public records, see
17 Section 7920.000 Comment.

18 See Section 7920.520 ("person"). See also Section 13 (singular includes plural and vice versa).

19 **Note.** Existing Section 6254.2(b) says:

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

28 The second sentence (shown in italics) establishes a notice requirement for a proposed pesticide
29 registration. Does it belong in the CPRA or should it be recodified elsewhere?

30 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
31 **especially appreciate public comment on this issue.**

32 **§ 7924.310. Prohibition on disclosure of application or registration information to person**
33 **with specified foreign connection**

34 7924.310. (a) Unless the applicant or registrant consents to disclosure of
35 information that the applicant or registrant submits to the state pursuant to Article 4
36 (commencing with Section 12811) of Chapter 2 of Division 7 of the Food and
37 Agricultural Code, the Director of Pesticide Regulation shall not knowingly disclose
38 any of that information to any of the following:

39 (1) An officer, employee, or agent of any business or other entity engaged in the
40 production, sale, or distribution of pesticides in a country other than the United
41 States, or in a country in addition to the United States.

42 (2) Any other person who intends to deliver this information to any foreign or
43 multi-national business or entity.

44 (b) To implement this section, the director shall require a person requesting
45 information described in subdivision (a) to sign the following affirmation:

AFFIRMATION OF STATUS

This affirmation is required by Article 1 (commencing with Section 7924.310) of Chapter 3 of Part 5 of Division 10 of Title 1 of the Government Code.

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

(1) I do not seek access to the information for purposes of delivering it or offering it for sale to any business or other entity, including the business or entity of which I am an officer, employee, or agent, engaged in the production, sale, or distribution of pesticides in a country other than the United States or in a country in addition to the United States, or to an officer, employee, or agent of such a business or entity.

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

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

Name of Requester Name of Requester's Organization

Signature of Requester Address of Requester

Date Request No. Telephone Number of Requester

Name, Address, and Telephone Number of Requester's Client if the requester has requested access to the information on behalf of someone other than the requester or the requester's organization listed above.

(c) Section 118 of the Penal Code applies to any affirmation made pursuant to this article.

Comment. Subdivisions (a) and (b) of Section 7924.310 continue former Section 6254.2(h) without substantive change.

Subdivision (c) continues former Section 6254.2(k) without substantive change.

For additional provisions of the California Public Records Act ("CPRA") that relate to pesticide safety and efficacy information disclosable under the federal Insecticide, Fungicide, and

1 Rodenticide Act, see the rest of this article (Sections 7924.300-7924.335). For CPRA provisions
2 relating to pollution, see Sections 7924.500-7924.510; see also Section 7924.900 (internet posting
3 of final enforcement orders of California Environmental Protection Agency and specified entities
4 within that entity). For a provision on housing or building violations, see Section 7924.700.

5 For other special rules applicable to specific types of public records, see Sections 7923.600-
6 7924.110, 7925.000-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
7 7930.215 (alphabetical list of many CPRA exemptions).

8 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
9 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
10 procedural rules governing requests for public records and related matters, see Sections 7922.500-
11 7922.725; see also Sections 7923.000-7923.510 (enforcement).

12 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
13 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
14 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
15 (restricting agency's ability to transfer public record or otherwise relinquish control over its
16 disclosure).

17 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
18 of CPRA recodification). For references to some other bodies of law governing public records, see
19 Section 7920.000 Comment.

20 See Section 7920.520 ("person").

21 **§ 7924.315. Information needed to determine whether pesticide or ingredient causes**
22 **unreasonable adverse effect on health or environment**

23 7924.315. Notwithstanding any other provision of this article, if the Director of
24 Pesticide Regulation determines that information submitted by an applicant or
25 registrant is needed to determine whether a pesticide, or any ingredient of any
26 pesticide, causes unreasonable adverse effects on health or the environment, the
27 director may disclose that information to any person in connection with a public
28 proceeding conducted under law or regulation.

29 **Comment.** Section 7924.315 continues former Section 6254.2(i) without substantive change.

30 For additional provisions of the California Public Records Act ("CPRA") that relate to pesticide
31 safety and efficacy information disclosable under the federal Insecticide, Fungicide, and
32 Rodenticide Act, see the rest of this article (Sections 7924.300-7924.335). For CPRA provisions
33 relating to pollution, see Sections 7924.500-7924.510; see also Section 7924.900 (internet posting
34 of final enforcement orders of California Environmental Protection Agency and specified entities
35 within that entity). For a provision on housing or building violations, see Section 7924.700.

36 For other special rules applicable to specific types of public records, see Sections 7923.600-
37 7924.110, 7925.000-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
38 7930.215 (alphabetical list of many CPRA exemptions).

39 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
40 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
41 procedural rules governing requests for public records and related matters, see Sections 7922.500-
42 7922.725; see also Sections 7923.000-7923.510 (enforcement).

43 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
44 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
45 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
46 (restricting agency's ability to transfer public record or otherwise relinquish control over its
47 disclosure).

48 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
49 of CPRA recodification). For references to some other bodies of law governing public records, see
50 Section 7920.000 Comment.

1 See Section 7920.520 (“person”).

2 **§ 7924.320. Recordkeeping and notification**

3 7924.320. The Director of Pesticide Regulation shall maintain records of the
4 names of persons to whom data is disclosed pursuant to this article and the persons
5 or organizations they represent and shall inform the applicant or registrant of the
6 names and the affiliation of these persons.

7 **Comment.** Section 7924.320 continues former Section 6254.2(j) without substantive change.

8 For additional provisions of the California Public Records Act (“CPRA”) that relate to pesticide
9 safety and efficacy information disclosable under the federal Insecticide, Fungicide, and
10 Rodenticide Act, see the rest of this article (Sections 7924.300-7924.335). For CPRA provisions
11 relating to pollution, see Sections 7924.500-7924.510; see also Section 7924.900 (internet posting
12 of final enforcement orders of California Environmental Protection Agency and specified entities
13 within that entity). For a provision on housing or building violations, see Section 7924.700.

14 For other special rules applicable to specific types of public records, see Sections 7923.600-
15 7924.110, 7925.000-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
16 7930.215 (alphabetical list of many CPRA exemptions).

17 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
18 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
19 procedural rules governing requests for public records and related matters, see Sections 7922.500-
20 7922.725; see also Sections 7923.000-7923.510 (enforcement).

21 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
22 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
23 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
24 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
25 disclosure).

26 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
27 of CPRA recodification). For references to some other bodies of law governing public records, see
28 Section 7920.000 Comment.

29 See Section 7920.520 (“person”).

30 **§ 7924.325. Effect of frivolous request**

31 7924.325. The Director of Pesticide Regulation may limit an individual to one
32 request per month pursuant to this article if the director determines that a person has
33 made a frivolous request within the past 12-month period.

34 **Comment.** Section 7924.325 continues former Section 6254.2(n) without substantive change.

35 For additional provisions of the California Public Records Act (“CPRA”) that relate to pesticide
36 safety and efficacy information disclosable under the federal Insecticide, Fungicide, and
37 Rodenticide Act, see the rest of this article (Sections 7924.300-7924.335). For CPRA provisions
38 relating to pollution, see Sections 7924.500-7924.510; see also Section 7924.900 (internet posting
39 of final enforcement orders of California Environmental Protection Agency and specified entities
40 within that entity). For a provision on housing or building violations, see Section 7924.700.

41 For other special rules applicable to specific types of public records, see Sections 7923.600-
42 7924.110, 7925.000-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
43 7930.215 (alphabetical list of many CPRA exemptions).

44 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
45 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
46 procedural rules governing requests for public records and related matters, see Sections 7922.500-
47 7922.725; see also Sections 7923.000-7923.510 (enforcement).

1 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
2 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
3 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
4 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
5 disclosure).

6 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
7 of CPRA recodification). For references to some other bodies of law governing public records, see
8 Section 7920.000 Comment.

9 See Section 7920.520 (“person”).

10 **§ 7924.330. Penalty for willfully disclosing material prohibited from disclosure by this**
11 **article**

12 7924.330. (a) Any officer or employee of the state, or former officer or employee
13 of the state, who, because of this employment or official position, obtains possession
14 of, or has access to, material which is prohibited from disclosure by this article, and
15 who, knowing that disclosure of this material is prohibited by this article, willfully
16 discloses the material in any manner to any person not entitled to receive it, shall,
17 upon conviction, be punished by a fine of not more than ten thousand dollars
18 (\$10,000), or by imprisonment in the county jail for not more than one year, or by
19 both fine and imprisonment.

20 (b) For purposes of this section, any contractor with the state who is furnished
21 information pursuant to this article, or any employee of any contractor, shall be
22 considered an employee of the state.

23 **Comment.** Section 7924.330 continues former Section 6254.2(l) without substantive change.

24 For additional provisions of the California Public Records Act (“CPRA”) that relate to pesticide
25 safety and efficacy information disclosable under the federal Insecticide, Fungicide, and
26 Rodenticide Act, see the rest of this article (Sections 7924.300-7924.335). For CPRA provisions
27 relating to pollution, see Sections 7924.500-7924.510; see also Section 7924.900 (internet posting
28 of final enforcement orders of California Environmental Protection Agency and specified entities
29 within that entity). For a provision on housing or building violations, see Section 7924.700.

30 For other special rules applicable to specific types of public records, see Sections 7923.600-
31 7924.110, 7925.000-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
32 7930.215 (alphabetical list of many CPRA exemptions).

33 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
34 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
35 procedural rules governing requests for public records and related matters, see Sections 7922.500-
36 7922.725; see also Sections 7923.000-7923.510 (enforcement).

37 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
38 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
39 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
40 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
41 disclosure).

42 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
43 of CPRA recodification). For references to some other bodies of law governing public records, see
44 Section 7920.000 Comment.

45 See Section 7920.520 (“person”).

1 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
2 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
3 procedural rules governing requests for public records and related matters, see Sections 7922.500-
4 7922.725; see also Sections 7923.000-7923.510 (enforcement).

5 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
6 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
7 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
8 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
9 disclosure).

10 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
11 of CPRA recodification). For references to some other bodies of law governing public records, see
12 Section 7920.000 Comment.

13 **§ 7924.505. Financial data in application under California Pollution Control Financing**
14 **Authority Act**

15 7924.505. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
16 this division does not require the disclosure of financial data contained in an
17 application for financing under Division 27 (commencing with Section 44500) of
18 the Health and Safety Code, if an authorized officer of the California Pollution
19 Control Financing Authority determines that disclosure of the financial data would
20 be competitively injurious to the applicant and the data is required in order to obtain
21 a guarantee from the United States Small Business Administration.

22 (b) The California Pollution Control Financing Authority shall adopt rules for
23 review of individual requests for confidentiality under this section and for making
24 available to the public those portions of an application that are subject to disclosure
25 under this division.

26 **Comment.** Section 7924.505 continues former Section 6254(o) without substantive change. See
27 Section 13 (singular includes plural and vice versa).

28 For other provisions governing disclosure of financial records, see “Chapter 4. Financial Records
29 and Tax Records” (Sections 7925.000-7925.010). For additional provisions of the California Public
30 Records Act (“CPRA”) that relate to pollution, see Sections 7924.500, 7924.510; see also Section
31 7924.900 (internet posting of final enforcement orders of California Environmental Protection
32 Agency and specified entities within that entity). For CPRA provisions that relate to pesticide safety
33 and efficacy information disclosable under the federal Insecticide, Fungicide, and Rodenticide Act,
34 see Sections 7924.300-7924.335. For a provision on housing or building violations, see Section
35 7924.700.

36 For other special rules applicable to specific types of public records, see Sections 7923.600-
37 7924.110, 7926.000-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
38 7930.215 (alphabetical list of many CPRA exemptions).

39 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
40 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
41 procedural rules governing requests for public records and related matters, see Sections 7922.500-
42 7922.725; see also Sections 7923.000-7923.510 (enforcement).

43 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
44 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
45 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
46 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
47 disclosure).

1 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
2 of CPRA recodification). For references to some other bodies of law governing public records, see
3 Section 7920.000 Comment.

4 **§ 7924.510. Pollution information generally**

5 7924.510. (a) Any information, analysis, plan, or specification that discloses the
6 nature, extent, quantity, or degree of an air contaminant or other pollution that any
7 article, machine, equipment, or other contrivance will produce, which any air
8 pollution control district or air quality management district, or any other state or
9 local agency or district, requires any applicant to provide before the applicant builds,
10 erects, alters, replaces, operates, sells, rents, or uses the article, machine, equipment,
11 or other contrivance, is a public record.

12 (b) All air or other pollution monitoring data, including data compiled from a
13 stationary source, are public records.

14 (c) Except as otherwise provided in subdivision (d) and Chapter 3 (commencing
15 with Section 99150) of Part 65 of the Education Code, a trade secret is not a public
16 record under this section or Section 7924.700.

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

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

29 (f) As used in this section, “trade secret” may include, but is not limited to, any
30 formula, plan, pattern, process, tool, mechanism, compound, procedure, production
31 data, or compilation of information that satisfies all of the following requirements:

32 (1) It is not patented.

33 (2) It is known only to certain individuals within a commercial concern who are
34 using it to fabricate, produce, or compound an article of trade or a service having
35 commercial value.

36 (3) It gives its user an opportunity to obtain a business advantage over competitors
37 who do not know or use it.

38 **Comment.** Subdivision (a) of Section 7924.510 continues former Section 6254.7(a) without
39 substantive change.

40 Subdivision (b) continues former Section 6254.7(b) without substantive change.

41 Subdivision (c) continues the first sentence of former Section 6254.7(d) without substantive
42 change.

43 Subdivision (d) continues former Section 6254.7(e) without substantive change.

44 Subdivision (e) continues former Section 6254.7(f) without substantive change.

1 Subdivision (f) continues the second sentence of former Section 6254.7(d) without substantive
2 change.

3 For additional provisions of the California Public Records Act (“CPRA”) that relate to pollution,
4 see Sections 7924.500, 7924.505; see also Section 7924.900 (internet posting of final enforcement
5 orders of California Environmental Protection Agency and specified entities within that entity). For
6 CPRA provisions that relate to pesticide safety and efficacy information disclosable under the
7 federal Insecticide, Fungicide, and Rodenticide Act, see Sections 7924.300-7924.335. For a
8 provision on housing or building violations, see Section 7924.700.

9 For other special rules applicable to specific types of public records, see Sections 7923.600-
10 7924.110, 7925.000-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
11 7930.215 (alphabetical list of many CPRA exemptions).

12 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
13 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
14 procedural rules governing requests for public records and related matters, see Sections 7922.500-
15 7922.725; see also Sections 7923.000-7923.510 (enforcement).

16 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
17 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
18 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
19 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
20 disclosure).

21 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
22 of CPRA recodification). For references to some other bodies of law governing public records, see
23 Section 7920.000 Comment.

24 See Sections 7920.510 (“local agency”), 7920.530 (“public records”), 7920.540 (“state agency”).
25 See also Section 13 (singular includes plural and vice versa).

26 Article 3. Building Standards and Safety Requirements

27 § 7924.700. Record relating to housing or building violation

28 7924.700. (a) A record of a notice or an order that is directed to the owner of any
29 building and relates to violation of a housing or building code, ordinance, statute, or
30 regulation that constitutes a violation of a standard provided in Section 1941.1
31 of the Civil Code is a public record.

32 (b) A record of subsequent action with respect to a notice or order described in
33 subdivision (a) is a public record.

34 **Comment.** Section 7924.700 continues former Section 6254.7(c) without substantive change.
35 For a special rule applicable to a trade secret, see Section 7924.510(c).

36 For provisions of the California Public Records Act (“CPRA”) that relate to pollution, see
37 Sections 7924.500-7924.510; see also Section 7924.900 (internet posting of final enforcement
38 orders of California Environmental Protection Agency and specified entities within that entity). For
39 CPRA provisions that relate to pesticide safety and efficacy information disclosable under the
40 federal Insecticide, Fungicide, and Rodenticide Act, see Sections 7924.300-7924.335.

41 For other special rules applicable to specific types of public records, see Sections 7923.600-
42 7924.110, 7925.000-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
43 7930.215 (alphabetical list of many CPRA exemptions).

44 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
45 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
46 procedural rules governing requests for public records and related matters, see Sections 7922.500-
47 7922.725; see also Sections 7923.000-7923.510 (enforcement).

48 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
49 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of

1 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
2 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
3 disclosure).

4 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
5 of CPRA recodification). For references to some other bodies of law governing public records, see
6 Section 7920.000 Comment.

7 See Section 7920.530 (“public records”). See also Section 13 (singular includes plural and vice
8 versa).

9 **Note.** Subdivisions (a), (b), (d), (e), and (f) of existing Section 6254.7 concern pollution data and
10 other pollution-related matters. In contrast, subdivision (c) concerns violations of building
11 standards and safety requirements. It says:

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

16 Because subdivision (c) deals with a distinct topic, the Commission tentatively decided to
17 recodify it in a separate article as shown here (proposed Section 7924.700) instead of in “Article 2.
18 Pollution” with the rest of the substance of Section 6254.7 (proposed Section 7924.510). That
19 organizational scheme would help draw attention to the provision. However, the approach would
20 also slightly complicate the task of conforming the many statutes that cross-refer to Section 6254.7.

21 Would the benefits of this organizational scheme outweigh that detriment? **Comments on this**
22 **point would be helpful.**

23 Article 4. Enforcement Orders

24 **§ 7924.900. Internet posting of final enforcement orders of California Environmental**
25 **Protection Agency and specified entities within that agency**

26 7924.900. (a) Every final enforcement order issued by an agency listed in
27 subdivision (b) under any provision of law that is administered by an entity listed in
28 subdivision (b), shall be displayed on the entity’s Internet website, if the final
29 enforcement order is a public record that is not exempt from disclosure pursuant to
30 this division.

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

33 (1) The State Air Resources Board.

34 (2) The California Integrated Waste Management Board.

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

37 (4) The Department of Pesticide Regulation.

38 (5) The Department of Toxic Substances Control.

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

43 (2) In addition to the requirements of paragraph (1), with regard to a final
44 enforcement order issued by the State Water Resources Control Board or a

1 California regional water quality control board, this section shall apply only to a
2 final enforcement order adopted by that entity at a public meeting.

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

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

7 **Comment.** Section 7924.900 continues former Section 6253.8(a)-(e) without substantive
8 change. Former Section 6253.8(f), which stated that “[t]his section shall become operative April 1,
9 2001,” is discontinued as obsolete.

10 For the effect of posting a public record on an agency’s Internet website, see Section 7922.545.
11 For provisions of the California Public Records Act (“CPRA”) that relate to pollution, see Sections
12 7924.500-7924.510. For CPRA provisions that relate to pesticide safety and efficacy information
13 disclosable under the federal Insecticide, Fungicide, and Rodenticide Act, see Sections 7924.300-
14 7924.335. For a provision on housing or building violations, see Section 7924.700.

15 For other special rules applicable to specific types of public records, see Sections 7923.600-
16 7924.110, 7925.000-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
17 7930.215 (alphabetical list of many CPRA exemptions).

18 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
19 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
20 procedural rules governing requests for public records and related matters, see Sections 7922.500-
21 7922.725; see also Sections 7923.000-7923.510 (enforcement).

22 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
23 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
24 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
25 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
26 disclosure).

27 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
28 of CPRA recodification). For references to some other bodies of law governing public records, see
29 Section 7920.000 Comment.

30 See Section 7920.530 (“public records”).

31 CHAPTER 4. FINANCIAL RECORDS AND TAX RECORDS

32 § 7925.000. Confidential taxpayer information required in collection of local taxes

33 7925.000. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
34 division does not require the disclosure of information required from any taxpayer
35 in connection with the collection of local taxes if that information is received in
36 confidence and disclosure of it to other persons would result in unfair competitive
37 disadvantage to the person supplying the information.

38 **Comment.** Section 7925.000 continues former Section 6254(i) without substantive change.

39 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
40 financial records or tax records, see Sections 7925.005, 7925.010. For CPRA provisions that relate
41 to personal information or customer records, see Sections 7927.400-7927.420.

42 For other special rules applicable to specific types of public records, see Sections 7923.600-
43 7924.900, 7926.000-7927.300, 7927.500-7929.610; see also Sections 7922.000 (CPRA catch-all
44 exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

45 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
46 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For

1 procedural rules governing requests for public records and related matters, see Sections 7922.500-
2 7922.725; see also Sections 7923.000-7923.510 (enforcement).

3 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
4 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
5 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
6 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
7 disclosure).

8 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
9 of CPRA recodification). For references to some other bodies of law governing public records, see
10 Section 7920.000 Comment.

11 See Section 7920.520 (“person”).

12 **§ 7925.005. Personal financial records required by licensing agency**

13 7925.005. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
14 division does not require the disclosure of a statement of personal worth or personal
15 financial data required by a licensing agency and filed by an applicant with the
16 licensing agency to establish the applicant’s personal qualification for the license,
17 certificate, or permit requested.

18 **Comment.** Section 7925.005 continues former Section 6254(n) without substantive change.

19 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
20 financial records or tax records, see Sections 7925.000, 7925.010. For CPRA provisions that relate
21 to personal information or customer records, see Sections 7927.400-7927.420.

22 For other special rules applicable to specific types of public records, see Sections 7923.600-
23 7924.900, 7926.000-7927.300, 7927.500-7929.610; see also Sections 7922.000 (CPRA catch-all
24 exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

25 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
26 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
27 procedural rules governing requests for public records and related matters, see Sections 7922.500-
28 7922.725; see also Sections 7923.000-7923.510 (enforcement).

29 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
30 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
31 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
32 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
33 disclosure).

34 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
35 of CPRA recodification). For references to some other bodies of law governing public records, see
36 Section 7920.000 Comment.

37 **§ 7925.010. Financial data relating to service contractor**

38 7925.010. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
39 division does not require the disclosure of any of the following records:

40 (a) Financial data contained in an application for registration, or registration
41 renewal, as a service contractor, which is filed with the Director of Consumer
42 Affairs pursuant to Chapter 20 (commencing with Section 9800) of Division 3 of
43 the Business and Professions Code, for the purpose of establishing the service
44 contractor’s net worth.

45 (b) Financial data regarding the funded accounts held in escrow for service
46 contracts held in force in this state by a service contractor.

47 **Comment.** Section 7925.010 continues former Section 6254(x) without substantive change.

1 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
2 financial records or tax records, see Sections 7925.000, 7925.005. For CPRA provisions that relate
3 to personal information or customer records, see Sections 7927.400-7927.420.

4 For other special rules applicable to specific types of public records, see Sections 7923.600-
5 7924.900, 7926.000-7927.300, 7927.500-7929.610; see also Sections 7922.000 (CPRA catch-all
6 exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

7 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
8 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
9 procedural rules governing requests for public records and related matters, see Sections 7922.500-
10 7922.725; see also Sections 7923.000-7923.510 (enforcement).

11 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
12 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
13 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
14 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
15 disclosure).

16 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
17 of CPRA recodification). For references to some other bodies of law governing public records, see
18 Section 7920.000 Comment.

19 CHAPTER 5. HEALTH CARE

20 Article 1. Accreditation

21 **§ 7926.000. Final accreditation report of Joint Commission on Accreditation of Hospitals**

22 7926.000. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
23 division does not require the disclosure of a final accreditation report of the Joint
24 Commission on Accreditation of Hospitals that has been transmitted to the State
25 Department of Public Health pursuant to subdivision (b) of Section 1282 of the
26 Health and Safety Code.

27 **Comment.** Section 7926.000 continues former Section 6254(s) without substantive change. An
28 erroneous reference to the Department of Health Care Services has been replaced with a reference
29 to the State Department of Public Health. See Health & Safety Code § 131052(7); 2005 Cal. Stat.
30 ch. 670, § 1.5.

31 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
32 health care, see the rest of this chapter (Sections 7926.100-7926.500); see also Section 7927.700
33 (exemption for medical files “disclosure of which would constitute an unwarranted invasion of
34 personal privacy”). For CPRA provisions that relate to workers’ compensation, see Sections
35 7929.400-7929.430.

36 For other special rules applicable to specific types of public records, see Sections 7923.600-
37 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
38 exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

39 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
40 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
41 procedural rules governing requests for public records and related matters, see Sections 7922.500-
42 7922.725; see also Sections 7923.000-7923.510 (enforcement).

43 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
44 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
45 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
46 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
47 disclosure).

1 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
2 of CPRA recodification). For references to some other bodies of law governing public records, see
3 Section 7920.000 Comment.

4 Article 2. Advance Health Care Directive and Related Matters

5 § 7926.100. Information provided for purpose of registration in Advance Health Care 6 Directive Registry

7 7926.100. (a) Except as provided in subdivision (b) and in Sections 7924.510,
8 7924.700, and 7927.605, this division does not require the disclosure of any
9 information that a person provides to the Secretary of State for the purpose of
10 registration in the Advance Health Care Directive Registry.

11 (b) The information described in subdivision (a) shall be released at the request
12 of a health care provider, a public guardian, or the registrant’s legal representative.

13 **Comment.** Section 7926.100 continues former Section 6254(ac) without substantive change.

14 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
15 health care, see the rest of this chapter (Sections 7926.000-7926.500); see also Section 7927.700
16 (exemption for medical files “disclosure of which would constitute an unwarranted invasion of
17 personal privacy”). For CPRA provisions that relate to workers’ compensation, see Sections
18 7929.400-7929.430.

19 For other special rules applicable to specific types of public records, see Sections 7923.600-
20 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
21 exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

22 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
23 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
24 procedural rules governing requests for public records and related matters, see Sections 7922.500-
25 7922.725; see also Sections 7923.000-7923.510 (enforcement).

26 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
27 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
28 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
29 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
30 disclosure).

31 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
32 of CPRA recodification). For references to some other bodies of law governing public records, see
33 Section 7920.000 Comment.

34 See Section 7920.520 (“person”).

35 Article 3. Contracts and Negotiations

36 § 7926.200. Health facility disclosing relevant financing information to certified bargaining 37 agent

38 7926.200. The provisions listed in Section 7920.505 do not prevent any health
39 facility from disclosing to a certified bargaining agent relevant financing
40 information pursuant to Section 8 of the National Labor Relations Act (29 U.S.C.
41 Sec. 158).

42 **Comment.** Section 7926.200 continues the unlabeled last paragraph of former Section 6254
43 without substantive change.

1 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
2 health care, see the rest of this chapter (Sections 7926.000-7926.500); see also Section 7927.700
3 (exemption for medical files “disclosure of which would constitute an unwarranted invasion of
4 personal privacy”). For CPRA provisions that relate to workers’ compensation, see Sections
5 7929.400-7929.430.

6 For other special rules applicable to specific types of public records, see Sections 7923.600-
7 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
8 exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

9 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
10 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
11 procedural rules governing requests for public records and related matters, see Sections 7922.500-
12 7922.725; see also Sections 7923.000-7923.510 (enforcement).

13 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
14 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
15 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
16 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
17 disclosure).

18 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
19 of CPRA recodification). For references to some other bodies of law governing public records, see
20 Section 7920.000 Comment.

21 **§ 7926.205. Specified records of health plan licensed under Knox-Keene Act and governed**
22 **by board of supervisors**

23 7926.205. (a) Nothing in this division or any other provision of law requires
24 disclosure of records of a health plan that is licensed pursuant to the Knox-Keene
25 Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340)
26 of Division 2 of the Health and Safety Code) and that is governed by a county board
27 of supervisors, whether paper records, records maintained in the management
28 information system, or records in any other form, that relate to provider rate or
29 payment determinations, allocation or distribution methodologies for provider
30 payments, formulae or calculations for these payments, and contract negotiations
31 with providers of health care for alternative rates for a period of three years after the
32 contract is fully executed.

33 (b) Transmission of the records described in subdivision (a), or the information
34 contained therein in an alternative form, to the board of supervisors is not a waiver
35 of exemption from disclosure. The records and information once transmitted to the
36 board of supervisors remain subject to the exemption described in subdivision (a).

37 (c)(1) This section does not prevent the Joint Legislative Audit Committee from
38 accessing any records in the exercise of its powers pursuant to Article 1
39 (commencing with Section 10500) of Chapter 4 of Part 2 of Division 2 of Title 2.

40 (2) This section does not prevent the Department of Managed Health Care from
41 accessing any records in the exercise of its powers pursuant to Article 1
42 (commencing with Section 1340) of Chapter 2.2 of Division 2 of the Health and
43 Safety Code.

44 **Comment.** Subdivision (a) of Section 7926.205 continues the first sentence of former Section
45 6254.22 without substantive change.

1 Subdivision (b) continues the second sentence of former Section 6254.22 without substantive
2 change.

3 Subdivision (c) continues the third and fourth sentences of former Section 6254.22 without
4 substantive change.

5 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
6 health care, see the rest of this chapter (Sections 7926.000-7926.500); see also Section 7927.700
7 (exemption for medical files “disclosure of which would constitute an unwarranted invasion of
8 personal privacy”). For CPRA provisions that relate to workers’ compensation, see Sections
9 7929.400-7929.430.

10 For other special rules applicable to specific types of public records, see Sections 7923.600-
11 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
12 exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

13 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
14 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
15 procedural rules governing requests for public records and related matters, see Sections 7922.500-
16 7922.725; see also Sections 7923.000-7923.510 (enforcement).

17 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
18 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
19 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
20 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
21 disclosure).

22 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
23 of CPRA recodification). For references to some other bodies of law governing public records, see
24 Section 7920.000 Comment.

25 **§ 7926.210. Records of municipal hospital or local hospital district that relate to contract**
26 **with insurer or nonprofit hospital service plan for alternative rates**

27 7926.210. (a) Except as provided in subdivision (b) or in Sections 7924.510,
28 7924.700, and 7927.605, this division does not require disclosure of any records of
29 a local hospital district, formed pursuant to Division 23 (commencing with Section
30 32000) of the Health and Safety Code, or a municipal hospital, formed pursuant to
31 Article 7 (commencing with Section 37600) or Article 8 (commencing with Section
32 37650) of Chapter 5 of Part 2 of Division 3 of Title 4, that relate to a contract with
33 an insurer or a nonprofit hospital service plan for inpatient or outpatient services for
34 alternative rates pursuant to Section 10133 of the Insurance Code.

35 (b) A record described in subdivision (a) shall be open to inspection within one
36 year after the contract is fully executed.

37 **Comment.** Section 7926.210 continues former Section 6254(t) without substantive change.

38 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
39 health care, see the rest of this chapter (Sections 7926.000-7926.500); see also Section 7927.700
40 (exemption for medical files “disclosure of which would constitute an unwarranted invasion of
41 personal privacy”). For CPRA provisions that relate to workers’ compensation, see Sections
42 7929.400-7929.430.

43 For other special rules applicable to specific types of public records, see Sections 7923.600-
44 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
45 exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

46 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
47 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
48 procedural rules governing requests for public records and related matters, see Sections 7922.500-
49 7922.725; see also Sections 7923.000-7923.510 (enforcement).

1 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
2 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
3 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
4 (restricting agency's ability to transfer public record or otherwise relinquish control over its
5 disclosure).

6 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
7 of CPRA recodification). For references to some other bodies of law governing public records, see
8 Section 7920.000 Comment.

9 **§ 7926.215. Records relating to contracts for health care services for Department of**
10 **Corrections and Rehabilitation**

11 7926.215. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
12 this division does not require disclosure of records of the Department of Corrections
13 and Rehabilitation that relate to health care services contract negotiations, and that
14 reveal the deliberative processes, discussions, communications, or any other portion
15 of the negotiations, including, but not limited to, records related to those
16 negotiations such as meeting minutes, research, work product, theories, or strategy
17 of the department, or its staff, or members of the California Medical Assistance
18 Commission, or its staff, who act in consultation with, or on behalf of, the
19 department.

20 (b)(1) Except for the portion that contains the rates of payment, a contract for
21 health services entered into by the Department of Corrections and Rehabilitation or
22 the California Medical Assistance Commission on or after July 1, 1993, shall be
23 open to inspection one year after it is fully executed.

24 (2) If a contract for health services was entered into before July 1, 1993, and
25 amended on or after July 1, 1993, the amendment, except for any portion containing
26 rates of payment, shall be open to inspection one year after it is fully executed.

27 (c) Three years after a contract or amendment is open to inspection under this
28 section, the portion of the contract or amendment containing the rates of payment
29 shall be open to inspection.

30 (d)(1) Notwithstanding any other provision of law, including, but not limited to,
31 Section 1060 of the Evidence Code, the entire contract or amendment shall be open
32 to inspection by the California State Auditor's Office, the Joint Legislative Audit
33 Committee, and the Legislative Analyst's Office.

34 (2) The California State Auditor's Office, the Joint Legislative Audit Committee,
35 and the Legislative Analyst's Office shall maintain the confidentiality of each
36 contract or amendment until the contract or amendment is fully open to inspection
37 by the public.

38 (e) It is the intent of the Legislature that the confidentiality of health care provider
39 contracts, and of the contracting process as provided in this section, shall protect the
40 competitive nature of the negotiation process, and shall not affect public access to
41 other information relating to the delivery of health care services.

42 **Comment.** Subdivision (a) of Section 7926.215 continues former Section 6254.14(a)(1) without
43 substantive change.

44 Subdivision (b) continues former Section 6254.14(a)(2) without substantive change.

1 Subdivision (c) continues former Section 6254.14(a)(3) without substantive change.

2 Subdivision (d) continues former Section 6254.14(a)(4) without substantive change.

3 Subdivision (e) continues former Section 6254.14(a)(5) without substantive change.

4 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
5 health care, see the rest of this chapter (Sections 7926.000-7926.500); see also Section 7927.700
6 (exemption for medical files “disclosure of which would constitute an unwarranted invasion of
7 personal privacy”). For CPRA provisions that relate to workers’ compensation, see Sections
8 7929.400-7929.430.

9 For other special rules applicable to specific types of public records, see Sections 7923.600-
10 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
11 exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

12 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
13 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
14 procedural rules governing requests for public records and related matters, see Sections 7922.500-
15 7922.725; see also Sections 7923.000-7923.510 (enforcement).

16 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
17 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
18 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
19 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
20 disclosure).

21 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
22 of CPRA recodification). For references to some other bodies of law governing public records, see
23 Section 7920.000 Comment.

24 **§ 7926.220. Specified records of state agency relating to selective provider contracts, county**
25 **health systems, or Geographic Managed Care Pilot Project**

26 7926.220. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
27 this division does not require disclosure of records of a state agency related to
28 activities governed by Article 2.6 (commencing with Section 14081), Article 2.8
29 (commencing with Section 14087.5), or Article 2.91 (commencing with Section
30 14089) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code,
31 that reveal the special negotiator’s deliberative processes, discussions,
32 communications, or any other portion of the negotiations with providers of health
33 care services, impressions, opinions, recommendations, meeting minutes, research,
34 work product, theories, or strategy, or that provide instruction, advice, or training to
35 employees.

36 (b)(1) Except for the portion containing the rates of payment, a contract for
37 inpatient services entered into pursuant to one of these articles, on or after April 1,
38 1984, shall be open to inspection one year after it is fully executed.

39 (2) If a contract for inpatient services was entered into before April 1, 1984, and
40 amended on or after April 1, 1984, the amendment, except for any portion
41 containing the rates of payment, shall be open to inspection one year after it is fully
42 executed.

43 (3) If the California Medical Assistance Commission enters into a contract with a
44 health care provider for other than inpatient hospital services, the contract shall be
45 open to inspection one year after it is fully executed.

1 (c) Three years after a contract or amendment is open to inspection under this
2 section, the portion of the contract or amendment containing the rates of payment
3 shall be open to inspection.

4 (d)(1) Notwithstanding any other law, the entire contract or amendment shall be
5 open to inspection by the California State Auditor’s Office, the Joint Legislative
6 Audit Committee, and the Legislative Analyst’s Office.

7 (2) The California State Auditor’s Office, the Joint Legislative Audit Committee,
8 and the Legislative Analyst’s Office shall maintain the confidentiality of each
9 contract or amendment until the contract or amendment is fully open to inspection
10 by the public.

11 **Comment.** Subdivision (a) of Section 7926.220 continues former Section 6254(q)(1) without
12 substantive change.

13 Subdivision (b) continues former Section 6254(q)(2) without substantive change.

14 Subdivision (c) continues former Section 6254(q)(3) without substantive change.

15 Subdivision (d) continues former Section 6254(q)(4) without substantive change. Subdivision
16 (d) also continues former Section 6254.14(b) to the extent it applied to former Section 6254(q).

17 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
18 health care, see the rest of this chapter (Sections 7926.000-7926.500); see also Section 7927.700
19 (exemption for medical files “disclosure of which would constitute an unwarranted invasion of
20 personal privacy”). For CPRA provisions that relate to workers’ compensation, see Sections
21 7929.400-7929.430.

22 For other special rules applicable to specific types of public records, see Sections 7923.600-
23 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
24 exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

25 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
26 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
27 procedural rules governing requests for public records and related matters, see Sections 7922.500-
28 7922.725; see also Sections 7923.000-7923.510 (enforcement).

29 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
30 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
31 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
32 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
33 disclosure).

34 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
35 of CPRA recodification). For references to some other bodies of law governing public records, see
36 Section 7920.000 Comment.

37 See Section 7920.540 (“state agency”).

38 **§ 7926.225. Specified records of Managed Risk Medical Insurance Board and State**
39 **Department of Health Care Services**

40 7926.225. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
41 this division does not require disclosure of records of the Managed Risk Medical
42 Insurance Board and the State Department of Health Care Services that relate to
43 activities governed by former Part 6.3 (commencing with Section 12695), former
44 Part 6.5 (commencing with Section 12700), Part 6.6 (commencing with Section
45 12739.5), or Part 6.7 (commencing with Section 12739.70) of Division 2 of the
46 Insurance Code, or Chapter 2 (commencing with Section 15810) or Chapter 4

1 (commencing with Section 15870) of Part 3.3 of Division 9 of the Welfare and
2 Institutions Code, and that reveal any of the following:

3 (1) The deliberative processes, discussions, communications, or any other portion
4 of the negotiations with entities contracting or seeking to contract with the board or
5 the department, entities with which the board or the department is considering a
6 contract, or entities with which the board or department is considering or enters into
7 any other arrangement under which the board or the department provides, receives,
8 or arranges services or reimbursement.

9 (2) The impressions, opinions, recommendations, meeting minutes, research,
10 work product, theories, or strategy of the board or its staff or the department or its
11 staff, or records that provide instructions, advice, or training to their employees.

12 (b)(1) Except for the portion that contains the rates of payment, a contract entered
13 into pursuant to former Part 6.3 (commencing with Section 12695), former Part 6.5
14 (commencing with Section 12700), Part 6.6 (commencing with Section 12739.5),
15 or Part 6.7 (commencing with Section 12739.70) of Division 2 of the Insurance
16 Code, or Chapter 2 (commencing with Section 15810) or Chapter 4 (commencing
17 with Section 15870) of Part 3.3 of Division 9 of the Welfare and Institutions Code,
18 on or after July 1, 1991, shall be open to inspection one year after its effective date.

19 (2) If a contract was entered into before July 1, 1991, and amended on or after
20 July 1, 1991, the amendment, except for any portion containing the rates of payment,
21 shall be open to inspection one year after the effective date of the amendment.

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

25 (d)(1) Notwithstanding any other law, the entire contract or amendment to a
26 contract shall be open to inspection by the California State Auditor's Office, the
27 Joint Legislative Audit Committee, and the Legislative Analyst's Office.

28 (2) The California State Auditor's Office, the Joint Legislative Audit Committee,
29 and the Legislative Analyst's Office shall maintain the confidentiality of each
30 contract or amendment until the contract or amendment is open to inspection
31 pursuant to subdivision (c).

32 **Comment.** Subdivisions (a) and (b) of Section 7926.225 continue former Section 6254(v)(1)-
33 (2) without substantive change. The cross-references to "Part 6.3 (commencing with Section
34 12695)" and "Part 6.5 (commencing with Section 12700)" of Division 2 of the Insurance Code
35 have been updated to reflect the repeal of Parts 6.3 and 6.5. See 2014 Cal. Stat. ch. 31, §§ 36, 38
36 (former Ins. Code §§ 12699.15, 12701), sunset provisions that operated on Jan. 1, 2016.

37 Subdivision (c) continues former Section 6254(v)(3) without substantive change.

38 Subdivision (d) continues former Section 6254(v)(4) without substantive change. Subdivision
39 (d) also continues former Section 6254.14(b) to the extent it applied to former Section 6254(v).

40 For other provisions of the California Public Records Act ("CPRA") that relate specifically to
41 health care, see the rest of this chapter (Sections 7926.000-7926.500); see also Section 7927.700
42 (exemption for medical files "disclosure of which would constitute an unwarranted invasion of
43 personal privacy"). For CPRA provisions that relate to workers' compensation, see Sections
44 7929.400-7929.430.

1 For other special rules applicable to specific types of public records, see Sections 7923.600-
2 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
3 exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

4 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
5 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
6 procedural rules governing requests for public records and related matters, see Sections 7922.500-
7 7922.725; see also Sections 7923.000-7923.510 (enforcement).

8 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
9 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
10 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
11 (restricting agency's ability to transfer public record or otherwise relinquish control over its
12 disclosure).

13 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
14 of CPRA recodification). For references to some other bodies of law governing public records, see
15 Section 7920.000 Comment.

16 **Note.** For discussion of the repeals of Part 6.3 (commencing with Section 12695) and Part 6.5
17 (commencing with Section 12700) of Division 2 of the Insurance Code, see generally CLRC Staff
18 Memorandum 2017-50, pp. 4-7; CLRC Minutes (Dec. 2017), p. 7.

19 **§ 7926.230. Additional records of Managed Risk Medical Insurance Board and State**
20 **Department of Health Care Services**

21 7926.230. (a) Except as provided in Sections 7924.510, and 7924.700, and
22 7927.605, this division does not require disclosure of records of the Managed Risk
23 Medical Insurance Board and the State Department of Health Care Services related
24 to activities governed by Part 6.2 (commencing with Section 12693) or former Part
25 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code or
26 Sections 14005.26 and 14005.27 of, or Chapter 3 (commencing with Section 15850)
27 of Part 3.3 of Division 9 of, the Welfare and Institutions Code, if the records reveal
28 any of the following:

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

35 (2) The impressions, opinions, recommendations, meeting minutes, research,
36 work product, theories, or strategy of the board or its staff, or the department or its
37 staff, or records that provide instructions, advice, or training to employees.

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

44 (2) If a contract entered into pursuant to Part 6.2 (commencing with Section
45 12693) or former Part 6.4 (commencing with Section 12699.50) of Division 2 of the

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

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

8 (d)(1) Notwithstanding any other law, the entire contract or amendments to a
9 contract shall be open to inspection by the California State Auditor’s Office, the
10 Joint Legislative Audit Committee, and the Legislative Analyst’s Office.

11 (2) The California State Auditor’s Office, the Joint Legislative Audit Committee,
12 and the Legislative Analyst’s Office shall maintain the confidentiality of each
13 contract or amendment until the contract or amendment is open to inspection
14 pursuant to subdivision (b) or (c).

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

25 **Comment.** Subdivisions (a) and (b) of Section 7926.230 continue former Section 6254(y)(1)-
26 (2) without substantive change. The cross-references to “Part 6.4 (commencing with Section
27 12699.50) of Division 2 of the Insurance Code” have been updated to reflect the repeal of Part 6.4.
28 See 2014 Cal. Stat. ch. 31, § 37 (former Ins. Code § 12699.64), a sunset provision that operated on
29 Jan. 1, 2016.

30 Subdivision (c) continues former Section 6254(y)(3) without substantive change.

31 Subdivision (d) continues former Section 6254(y)(4) without substantive change. Subdivision
32 (d) also continues former Section 6254.14(b) to the extent it applied to former Section 6254(y).

33 Subdivision (e) continues former Section 6254(y)(5) without substantive change. The cross-
34 reference to “Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code”
35 has been updated to reflect the repeal of Part 6.4. See 2014 Cal. Stat. ch. 31, § 37 (former Ins. Code
36 § 12699.64), a sunset provision that operated on Jan. 1, 2016.

37 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
38 health care, see the rest of this chapter (Sections 7926.000-7926.500); see also Section 7927.700
39 (exemption for medical files “disclosure of which would constitute an unwarranted invasion of
40 personal privacy”). For CPRA provisions that relate to workers’ compensation, see Sections
41 7929.400-7929.430.

42 For other special rules applicable to specific types of public records, see Sections 7923.600-
43 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
44 exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

45 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
46 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
47 procedural rules governing requests for public records and related matters, see Sections 7922.500-
48 7922.725; see also Sections 7923.000-7923.510 (enforcement).

1 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
2 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
3 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
4 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
5 disclosure).

6 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
7 of CPRA recodification). For references to some other bodies of law governing public records, see
8 Section 7920.000 Comment.

9 **Note.** For discussion of the repeal of Part 6.4 (commencing with Section 12699.50) of Division 2
10 of the Insurance Code, see generally CLRC Memorandum 2017-50, pp. 4-7; CLRC Minutes (Dec.
11 2017), p. 7.

12 **§ 7926.235. Records of Managed Risk Medical Insurance Board relating to Small Employer**
13 **Health Insurance**

14 7926.235. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
15 this division does not require disclosure of records of the Managed Risk Medical
16 Insurance Board that relate to activities governed by Chapter 8 (commencing with
17 Section 10700) of Part 2 of Division 2 of the Insurance Code, and that reveal the
18 deliberative processes, discussions, communications, or any other portion of the
19 negotiations with health plans, or the impressions, opinions, recommendations,
20 meeting minutes, research, work product, theories, or strategy of the board or its
21 staff, or records that provide instructions, advice, or training to employees.

22 (b) Except for the portion that contains the rates of payment, a contract for health
23 coverage entered into pursuant to Chapter 8 (commencing with Section 10700) of
24 Part 2 of Division 2 of the Insurance Code, on or after January 1, 1993, shall be open
25 to inspection one year after it has been fully executed.

26 (c)(1) Notwithstanding any other law, the entire contract or amendment to a
27 contract shall be open to inspection by the Joint Legislative Audit Committee.

28 (2) The committee shall maintain the confidentiality of each contract or
29 amendment until the contract or amendment is open to inspection pursuant to
30 subdivision (b).

31 **Comment.** Subdivision (a) of Section 7926.235 continues former Section 6254(w)(1) without
32 substantive change.

33 Subdivision (b) continues former Section 6254(w)(2) without substantive change.

34 Subdivision (c) continues former Section 6254(w)(3) without substantive change.

35 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
36 health care, see the rest of this chapter (Sections 7926.000-7926.500); see also Section 7927.700
37 (exemption for medical files “disclosure of which would constitute an unwarranted invasion of
38 personal privacy”). For CPRA provisions that relate to workers’ compensation, see Sections
39 7929.400-7929.430.

40 For other special rules applicable to specific types of public records, see Sections 7923.600-
41 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
42 exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

43 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
44 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
45 procedural rules governing requests for public records and related matters, see Sections 7922.500-
46 7922.725; see also Sections 7923.000-7923.510 (enforcement).

1 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
2 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
3 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
4 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
5 disclosure).

6 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
7 of CPRA recodification). For references to some other bodies of law governing public records, see
8 Section 7920.000 Comment.

9 Article 4. In-Home Supportive Services and Personal Care Services

10 **§ 7926.300. Information regarding persons paid by state to provide in-home supportive**
11 **services or personal care services**

12 7926.300. (a) Notwithstanding any other provision of this division, information
13 regarding persons paid by the state to provide in-home supportive services pursuant
14 to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9
15 of the Welfare and Institutions Code or personal care services pursuant to Section
16 14132.95, 14132.952, 14132.956, or 14132.97 of the Welfare and Institutions Code,
17 is not subject to public disclosure pursuant to this division, except as provided in
18 subdivision (b).

19 (b) Copies of names, addresses, home telephone numbers, personal cellular
20 telephone numbers, and personal email addresses of persons described in
21 subdivision (a) shall be made available, upon request, to an exclusive bargaining
22 agent and to any labor organization seeking representation rights pursuant to
23 subdivision (c) of Section 12301.6, or Section 12302.5, of the Welfare and
24 Institutions Code or Chapter 10 (commencing with Section 3500) of Division 4 of
25 Title 1. This information shall not be used by the receiving entity for any purpose
26 other than the employee organizing, representation, and assistance activities of the
27 labor organization.

28 (c) This section applies solely to individuals who provide services under the In-
29 Home Supportive Services Program (Article 7 (commencing with Section 12300)
30 of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code) or the
31 Personal Care Services Program pursuant to Section 14132.95 of the Welfare and
32 Institutions Code, the In-Home Supportive Services Plus Option Program pursuant
33 to Section 14132.952 of the Welfare and Institutions Code, the Community First
34 Choice Option Program pursuant to Section 14132.956 of the Welfare and
35 Institutions Code, or the Waiver Personal Care Services Program pursuant to
36 Section 14132.97 of the Welfare and Institutions Code.

37 (d) This section does not alter the rights of parties under the Meyers-Milias-Brown
38 Act (Chapter 10 (commencing with Section 3500) of Division 4) or any other labor
39 relations law.

40 **Comment.** Section 7926.300 continues former Section 6253.2 without substantive change. An
41 erroneous cross-reference to Section 12302.25 (instead of Section 12302.5) of the Welfare and
42 Institutions Code has been corrected.

1 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
2 health care, see the rest of this chapter (Sections 7926.000-7926.500); see also Section 7927.700
3 (exemption for medical files “disclosure of which would constitute an unwarranted invasion of
4 personal privacy”). For CPRA provisions that relate to workers’ compensation, see Sections
5 7929.400-7929.430.

6 For other special rules applicable to specific types of public records, see Sections 7923.600-
7 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
8 exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

9 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
10 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
11 procedural rules governing requests for public records and related matters, see Sections 7922.500-
12 7922.725; see also Sections 7923.000-7923.510 (enforcement).

13 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
14 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
15 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
16 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
17 disclosure).

18 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
19 of CPRA recodification). For references to some other bodies of law governing public records, see
20 Section 7920.000 Comment.

21 See Section 7920.520 (“person”).

22 Article 5. Reproductive Health Services Facility

23 § 7926.400. Definitions

24 7926.400. For purposes of this article, the following terms have the following
25 meanings:

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

28 (b) “Personal information” means any of the following information related to an
29 individual that is maintained by a public agency:

30 (1) Social security number.

31 (2) Physical description.

32 (3) Home address.

33 (4) Home telephone number.

34 (5) Statements of personal worth or personal financial data filed pursuant to
35 Section 7925.005.

36 (6) Personal medical history.

37 (7) Employment history.

38 (8) Electronic mail address.

39 (9) Information that reveals any electronic network location or identity.

40 (c) “Public agency” means all of the following:

41 (1) The Department of Consumer Affairs.

42 (2) The Department of Managed Health Care.

43 (3) The State Department of Health Care Services.

44 (4) The State Department of Public Health.

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

5 **Comment.** Subdivision (a) of Section 7926.400 continues former Section 6254.18(b)(1) without
6 substantive change.

7 Subdivision (b) continues former Section 6254.18(b)(2) without substantive change.

8 Subdivision (c) continues former Section 6254.18(b)(3) without substantive change. For another
9 definition of “public agency,” see Section 7920.525(a).

10 Subdivision (d) continues former Section 6254.18(b)(4) without substantive change.

11 For provisions of the California Public Records Act (“CPRA”) that relate specifically to a
12 reproductive health services facility, see the rest of this article (Sections 7926.405-7926.430). For
13 additional CPRA provisions that relate specifically to health care, see the rest of this chapter
14 (Sections 7926.000-7926.300, 7926.500); see also Section 7927.700 (exemption for medical files
15 “disclosure of which would constitute an unwarranted invasion of personal privacy”). For CPRA
16 provisions that relate to workers’ compensation, see Sections 7929.400-7929.430.

17 For other special rules applicable to specific types of public records, see Sections 7923.600-
18 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
19 exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

20 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
21 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
22 procedural rules governing requests for public records and related matters, see Sections 7922.500-
23 7922.725; see also Sections 7923.000-7923.510 (enforcement).

24 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
25 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
26 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
27 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
28 disclosure).

29 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
30 of CPRA recodification). For references to some other bodies of law governing public records, see
31 Section 7920.000 Comment.

32 **§ 7926.405. Personal information regarding employees or specified other persons associated**
33 **with reproductive health services facility**

34 7926.405. Nothing in this division requires disclosure of any personal information
35 received, collected, or compiled by a public agency regarding the employees,
36 volunteers, board members, owners, partners, officers, or contractors of a
37 reproductive health services facility who have notified the public agency pursuant
38 to Section 7926.415 if the personal information is contained in a document that
39 relates to the facility.

40 **Comment.** Section 7926.405 continues former Section 6254.18(a) without substantive change.

41 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to a
42 reproductive health services facility, see the rest of this article (Sections 7926.400-7926.430). For
43 additional CPRA provisions that relate specifically to health care, see the rest of this chapter
44 (Sections 7926.000-7926.300, 7926.500); see also Section 7927.700 (exemption for medical files
45 “disclosure of which would constitute an unwarranted invasion of personal privacy”). For CPRA
46 provisions that relate to workers’ compensation, see Sections 7929.400-7929.430.

47 For other special rules applicable to specific types of public records, see Sections 7923.600-
48 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
49 exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

1 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
2 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
3 procedural rules governing requests for public records and related matters, see Sections 7922.500-
4 7922.725; see also Sections 7923.000-7923.510 (enforcement).

5 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
6 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
7 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
8 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
9 disclosure).

10 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
11 of CPRA recodification). For references to some other bodies of law governing public records, see
12 Section 7920.000 Comment.

13 See Section 7926.400 (defining “contractor,” “personal information,” “public agency,” and
14 “reproductive health services facility”). See also Sections 7926.410 (proceeding for access to
15 employment history information), 7926.415 (notification requirement for individual), 7926.420
16 (duration of privacy protections), 7926.425 (notice of separation), and 7926.430 (disclosure of data
17 regarding age, race, ethnicity, national origin, or gender, without individually identifiable
18 information).

19 **§ 7926.410. Proceeding for access to employment history information**

20 7926.410. (a) Any person may institute proceedings for injunctive or declarative
21 relief or writ of mandate in any court of competent jurisdiction to obtain access to
22 employment history information pursuant to Part 4 (commencing with Section
23 7923.000).

24 (b) If the court finds, based on the facts of a particular case, that the public interest
25 served by disclosure of employment history information clearly outweighs the
26 public interest served by not disclosing the information, the court shall order the
27 officer or person charged with withholding the information to disclose employment
28 history information or show cause why that officer or person should not do so
29 pursuant to Chapter 2 (commencing with Section 7923.100) of Part 4.

30 **Comment.** Section 7926.410 continues former Section 6254.18(c) without substantive change.

31 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to a
32 reproductive health services facility, see the rest of this article (Sections 7926.400-7926.430). For
33 additional CPRA provisions that relate specifically to health care, see the rest of this chapter
34 (Sections 7926.000-7926.300, 7926.500); see also Section 7927.700 (exemption for medical files
35 “disclosure of which would constitute an unwarranted invasion of personal privacy”). For CPRA
36 provisions that relate to workers’ compensation, see Sections 7929.400-7929.430.

37 For other special rules applicable to specific types of public records, see Sections 7923.600-
38 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
39 exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

40 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
41 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
42 procedural rules governing requests for public records and related matters, see Sections 7922.500-
43 7922.725; see also Sections 7923.000-7923.510 (enforcement).

44 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
45 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
46 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
47 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
48 disclosure).

1 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
2 of CPRA recodification). For references to some other bodies of law governing public records, see
3 Section 7920.000 Comment.

4 See Section 7920.520 (“person”).

5 **§ 7926.415. Notification requirement for individual**

6 7926.415. (a) In order for this article to apply to an individual who is an employee,
7 volunteer, board member, officer, or contractor of a reproductive health services
8 facility, the individual shall notify the public agency to which the individual’s
9 personal information is being submitted or has been submitted that the individual
10 falls within the application of this article.

11 (b) Notification pursuant to subdivision (a) is valid if it complies with all of the
12 following:

13 (1) It is on the official letterhead of the facility.

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

16 (3) It is signed and dated by both of the following:

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

18 (B) The executive officer of the reproductive health services facility or designee
19 of the executive officer.

20 (c) A reproductive health services facility shall retain a copy of all notifications
21 submitted pursuant to this article.

22 **Comment.** Subdivision (a) of Section 7926.415 continues the first sentence of former Section
23 6254.18(d) without substantive change.

24 Subdivision (b) continues the third sentence of former Section 6254.18(d) without substantive
25 change.

26 Subdivision (c) continues the second sentence of former Section 6254.18(d) without substantive
27 change.

28 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to a
29 reproductive health services facility, see the rest of this article (Sections 7926.400-7926.430). For
30 additional CPRA provisions that relate specifically to health care, see the rest of this chapter
31 (Sections 7926.000-7926.300, 7926.500); see also Section 7927.700 (exemption for medical files
32 “disclosure of which would constitute an unwarranted invasion of personal privacy”). For CPRA
33 provisions that relate to workers’ compensation, see Sections 7929.400-7929.430.

34 For other special rules applicable to specific types of public records, see Sections 7923.600-
35 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
36 exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

37 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
38 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
39 procedural rules governing requests for public records and related matters, see Sections 7922.500-
40 7922.725; see also Sections 7923.000-7923.510 (enforcement).

41 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
42 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
43 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
44 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
45 disclosure).

46 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
47 of CPRA recodification). For references to some other bodies of law governing public records, see
48 Section 7920.000 Comment.

1 See Section 7926.400 (defining “contractor,” “personal information,” “public agency,” and
2 “reproductive health services facility”). See also Sections 7926.420 (duration of privacy
3 protections) and 7926.425 (notice of separation).

4 **§ 7926.420. Duration of privacy protections**

5 7926.420. The privacy protections for personal information authorized pursuant
6 to this article are effective from the time of notification pursuant to Section
7 7926.415 until either one of the following occurs:

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

12 (b) One year after the date of separation from a reproductive health services
13 facility for an individual who has served for more than one year as an employee,
14 contractor, volunteer, board member, or officer of the reproductive health services
15 facility.

16 **Comment.** Section 7926.420 continues former Section 6254.18(e) without substantive change.

17 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to a
18 reproductive health services facility, see the rest of this article (Sections 7926.400-7926.430). For
19 additional CPRA provisions that relate specifically to health care, see the rest of this chapter
20 (Sections 7926.000-7926.300, 7926.500); see also Section 7927.700 (exemption for medical files
21 “disclosure of which would constitute an unwarranted invasion of personal privacy”). For CPRA
22 provisions that relate to workers’ compensation, see Sections 7929.400-7929.430.

23 For other special rules applicable to specific types of public records, see Sections 7923.600-
24 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
25 exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

26 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
27 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
28 procedural rules governing requests for public records and related matters, see Sections 7922.500-
29 7922.725; see also Sections 7923.000-7923.510 (enforcement).

30 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
31 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
32 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
33 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
34 disclosure).

35 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
36 of CPRA recodification). For references to some other bodies of law governing public records, see
37 Section 7920.000 Comment.

38 See Section 7926.400 (defining “contractor,” “personal information,” and “reproductive health
39 services facility”). See also Sections 7926.405 (personal information regarding employees or
40 specified other persons associated with reproductive health services facility), 7926.410 (proceeding
41 for access to employment history information), 7926.425 (notice of separation), and 7926.430
42 (disclosure of data regarding age, race, ethnicity, national origin, or gender, without individually
43 identifiable information).

44 **§ 7926.425. Notice of separation**

45 7926.425. Within 90 days of separation of an employee, contractor, volunteer,
46 board member, or officer of the reproductive health services facility who has

1 provided notice to a public agency pursuant to Section 7926.415, the facility shall
2 provide notice of the separation to the relevant agency or agencies.

3 **Comment.** Section 7926.425 continues former Section 6254.18(f) without substantive change.
4 An erroneous cross-reference to former Section 6254.18(c) (instead of former Section 6254.18(d))
5 has been corrected.

6 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to a
7 reproductive health services facility, see the rest of this article (Sections 7926.400-7926.430). For
8 additional CPRA provisions that relate specifically to health care, see the rest of this chapter
9 (Sections 7926.000-7926.300, 7926.500); see also Section 7927.700 (exemption for medical files
10 “disclosure of which would constitute an unwarranted invasion of personal privacy”). For CPRA
11 provisions that relate to workers’ compensation, see Sections 7929.400-7929.430.

12 For other special rules applicable to specific types of public records, see Sections 7923.600-
13 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
14 exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

15 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
16 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
17 procedural rules governing requests for public records and related matters, see Sections 7922.500-
18 7922.725; see also Sections 7923.000-7923.510 (enforcement).

19 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
20 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
21 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
22 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
23 disclosure).

24 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
25 of CPRA recodification). For references to some other bodies of law governing public records, see
26 Section 7920.000 Comment.

27 See Section 7926.400 (defining “contractor,” “public agency,” and “reproductive health services
28 facility”). See also Section 7926.420 (duration of privacy protections).

29 **§ 7926.430. Disclosure of data regarding age, race, ethnicity, national origin, or gender,**
30 **without individually identifiable information**

31 7926.430. Nothing in this article prevents a government agency from disclosing
32 data regarding the age, race, ethnicity, national origin, or gender of individuals
33 whose personal information is protected pursuant to this article, so long as the data
34 contains no individually identifiable information.

35 **Comment.** Section 7926.430 continues former Section 6254.18(g) without substantive change.

36 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to a
37 reproductive health services facility, see the rest of this article (Sections 7926.400-7926.430). For
38 additional CPRA provisions that relate specifically to health care, see the rest of this chapter
39 (Sections 7926.000-7926.300, 7926.500); see also Section 7927.700 (exemption for medical files
40 “disclosure of which would constitute an unwarranted invasion of personal privacy”). For CPRA
41 provisions that relate to workers’ compensation, see Sections 7929.400-7929.430.

42 For other special rules applicable to specific types of public records, see Sections 7923.600-
43 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
44 exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

45 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
46 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
47 procedural rules governing requests for public records and related matters, see Sections 7922.500-
48 7922.725; see also Sections 7923.000-7923.510 (enforcement).

49 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
50 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of

1 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
2 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
3 disclosure).

4 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
5 of CPRA recodification). For references to some other bodies of law governing public records, see
6 Section 7920.000 Comment.

7 See Section 7926.400 (defining “personal information”).

8 Article 6. Web Sites and Related Matters

9 § 7926.500. Implementation of CPRA by health care district

10 7926.500. In implementing this division, each health care district shall maintain
11 an Internet Web site in accordance with subdivision (b) of Section 32139 of the
12 Health and Safety Code.

13 **Comment.** Section 7926.500 continues former Section 6270.7 without substantive change.

14 For guidance in the California Public Records Act (“CPRA”) regarding agency websites, see
15 Sections 7922.545 (posting public record on agency’s Internet Web site), 7922.680 (formatting of
16 record that local agency posts on Internet Resource), and 7922.715 (posting catalog of enterprise
17 systems on local agency’s website).

18 For other CPRA provisions that relate specifically to health care, see the rest of this chapter
19 (Sections 7926.000-7926.500); see also Section 7927.700 (exemption for medical files “disclosure
20 of which would constitute an unwarranted invasion of personal privacy”). For CPRA provisions
21 that relate to workers’ compensation, see Sections 7929.400-7929.430.

22 For other special rules applicable to specific types of public records, see Sections 7923.600-
23 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
24 exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

25 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
26 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
27 procedural rules governing requests for public records and related matters, see Sections 7922.500-
28 7922.725; see also Sections 7923.000-7923.510 (enforcement).

29 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
30 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
31 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
32 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
33 disclosure).

34 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
35 of CPRA recodification). For references to some other bodies of law governing public records, see
36 Section 7920.000 Comment.

37 CHAPTER 6. HISTORICALLY OR CULTURALLY SIGNIFICANT MATTERS

38 § 7927.000. Native American sacred places, features, and objects

39 7927.000. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
40 division does not require disclosure of any of the following:

41 (a) Records of Native American graves, cemeteries, and sacred places.

42 (b) Records of Native American places, features, and objects described in Sections
43 5097.9 and 5097.993 of the Public Resources Code, which are maintained by, or in
44 the possession of, the Native American Heritage Commission, another state agency,
45 or a local agency.

1 **Comment.** Section 7927.000 continues former Section 6254(r) without substantive change.

2 For a provision of the California Public Records Act (“CPRA”) on archaeological site
3 information and reports, see Section 7927.005. For other special rules applicable to specific types
4 of public records, see Sections 7923.600-7926.500, 7927.100-7929.610; see also Sections
5 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
6 exemptions).

7 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
8 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
9 procedural rules governing requests for public records and related matters, see Sections 7922.500-
10 7922.725; see also Sections 7923.000-7923.510 (enforcement).

11 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
12 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
13 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
14 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
15 disclosure).

16 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
17 of CPRA recodification). For references to some other bodies of law governing public records, see
18 Section 7920.000 Comment.

19 See Sections 7920.510 (“local agency”), 7920.540 (“state agency”).

20 **§ 7927.005. Archaeological site information and reports**

21 7927.005. Nothing in this division requires disclosure of records that relate to
22 archaeological site information and reports maintained by, or in the possession of,
23 the Department of Parks and Recreation, the State Historical Resources
24 Commission, the State Lands Commission, the Native American Heritage
25 Commission, another state agency, or a local agency, including the records that the
26 agency obtains through a consultation process between a California Native
27 American tribe and a state or local agency.

28 **Comment.** Section 7927.005 continues former Section 6254.10 without substantive change.

29 For a provision of the California Public Records Act (“CPRA”) on Native American sacred
30 places, features, and objects, see Section 7927.000. For other special rules applicable to specific
31 types of public records, see Sections 7923.600-7926.500, 7927.100-7929.610; see also Sections
32 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
33 exemptions).

34 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
35 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
36 procedural rules governing requests for public records and related matters, see Sections 7922.500-
37 7922.725; see also Sections 7923.000-7923.510 (enforcement).

38 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
39 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
40 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
41 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
42 disclosure).

43 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
44 of CPRA recodification). For references to some other bodies of law governing public records, see
45 Section 7920.000 Comment.

46 See Sections 7920.510 (“local agency”), 7920.540 (“state agency”).

CHAPTER 7. LIBRARY RECORDS

§ 7927.100. Library circulation records and library and museum materials

7927.100. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605, this division does not require disclosure of any of the following:

(1) Library circulation records kept for the purpose of identifying the borrower of items available in libraries.

(2) Library and museum materials made or acquired and presented solely for reference or exhibition purposes.

(b) The exemption in this section does not apply to records of fines imposed on the borrowers.

Comment. Section 7927.100 continues former Section 6254(j) without substantive change.

For a provision of the California Public Records Act (“CPRA”) on patron use records of a library supported by public funds, see Section 7927.105. For other special rules applicable to specific types of public records, see Sections 7923.600-7927.055, 7927.200-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For procedural rules governing requests for public records and related matters, see Sections 7922.500-7922.725; see also Sections 7923.000-7923.510 (enforcement).

For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010 (restricting agency’s ability to transfer public record or otherwise relinquish control over its disclosure).

For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect of CPRA recodification). For references to some other bodies of law governing public records, see Section 7920.000 Comment.

§ 7927.105. Patron use records of library supported by public funds

7927.105. (a) As used in this section, the term “patron use records” includes the following:

(1) Any written or electronic record that is used to identify a library patron and is provided by the patron to become eligible to borrow or use books and other materials. This includes, but is not limited to, a patron’s name, address, telephone number, or e-mail address.

(2) Any written record or electronic transaction that identifies a patron’s borrowing information or use of library information resources. This includes, but is not limited to, database search records, borrowing records, class records, and any other personally identifiable uses of library resources information requests, or inquiries.

(b) This section does not apply to either of the following:

(1) Statistical reports of patron use.

(2) Records of fines collected by a library.

1 (c) All patron use records of a library that is in whole or in part supported by
2 public funds shall remain confidential. A public agency, or a private actor that
3 maintains or stores patron use records on behalf of a public agency, shall not
4 disclose those records to any person, local agency, or state agency, except as
5 follows:

6 (1) By a person acting within the scope of the person’s duties within the
7 administration of the library.

8 (2) By a person authorized in writing to inspect the records. The authorization
9 shall be from the individual to whom the records pertain.

10 (3) By order of the appropriate superior court.

11 **Comment.** Section 7927.105 continues former Section 6267 without substantive change.

12 For a provision of the California Public Records Act (“CPRA”) on library circulation records
13 and library and museum materials, see Section 7927.100. For other special rules applicable to
14 specific types of public records, see Sections 7923.600-7927.055, 7927.200-7929.610; see also
15 Sections 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many
16 CPRA exemptions).

17 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
18 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
19 procedural rules governing requests for public records and related matters, see Sections 7922.500-
20 7922.725; see also Sections 7923.000-7923.510 (enforcement).

21 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
22 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
23 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
24 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
25 disclosure).

26 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
27 of CPRA recodification). For references to some other bodies of law governing public records, see
28 Section 7920.000 Comment.

29 See Sections 7920.510 (“local agency”), 7920.520 (“person”), 7920.525 (“public agency”),
30 7920.540 (“state agency”), 7920.550 (“writing”).

31 CHAPTER 8. LITIGATION RECORDS

32 § 7927.200. Records relating to pending litigation or pending claim

33 7927.200. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
34 division does not require disclosure of any of the following records:

35 (a) Records pertaining to pending litigation to which the public agency is a party,
36 until the pending litigation has been finally adjudicated or otherwise settled.

37 (b) Records pertaining to a claim made pursuant to Division 3.6 (commencing
38 with Section 810), until the pending claim has been finally adjudicated or otherwise
39 settled.

40 **Comment.** Section 7927.200 continues former Section 6254(b) without substantive change.

41 For another provision of the California Public Records Act (“CPRA”) that relates specifically to
42 litigation records, see Section 7927.205. For a CPRA provision on preliminary drafts and similar
43 materials, see Section 7927.500. For guidance on private records, privileged materials, and other
44 records protected by law from disclosure, see Sections 7927.700-7927.705.

1 For other special rules applicable to specific types of public records, see the rest of this part
2 (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
3 7930.215 (alphabetical list of many CPRA exemptions).

4 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
5 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
6 procedural rules governing requests for public records and related matters, see Sections 7922.500-
7 7922.725; see also Sections 7923.000-7923.510 (enforcement).

8 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
9 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
10 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
11 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
12 disclosure).

13 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
14 of CPRA recodification). For references to some other bodies of law governing public records, see
15 Section 7920.000 Comment.

16 See Section 7920.525 (“public agency”).

17 **§ 7927.205. Memorandum of legal counsel relating to pending litigation**

18 7927.205. Nothing in this division or any other provision of law requires
19 disclosure of a memorandum submitted to a state body or to the legislative body of
20 a local agency by its legal counsel pursuant to subdivision (e) of Section 11126 or
21 Section 54956.9 until the pending litigation has been finally adjudicated or
22 otherwise settled. The memorandum is protected by the attorney work-product
23 privilege until the pending litigation has been finally adjudicated or otherwise
24 settled.

25 **Comment.** Section 7927.205 continues former Section 6254.25 without substantive change. The
26 cross-reference to Section 11126 has been updated to reflect relocation of the relevant material
27 from subdivision (q) to subdivision (e) of that section.

28 For another provision of the California Public Records Act (“CPRA”) that relates specifically to
29 litigation records, see Section 7927.200. For a CPRA provision on preliminary drafts and similar
30 materials, see Section 7927.500. For guidance on private records, privileged materials, and other
31 records protected by law from disclosure, see Sections 7927.700-7927.705.

32 For other special rules applicable to specific types of public records, see the rest of this part
33 (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
34 7930.215 (alphabetical list of many CPRA exemptions).

35 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
36 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
37 procedural rules governing requests for public records and related matters, see Sections 7922.500-
38 7922.725; see also Sections 7923.000-7923.510 (enforcement).

39 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
40 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
41 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
42 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
43 disclosure).

44 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
45 of CPRA recodification). For references to some other bodies of law governing public records, see
46 Section 7920.000 Comment.

47 See Section 7920.510 (“local agency”).

48 **Note.** Existing Section 6254.25 cross-refers to “subdivision (q) of Section 11126.” However,
49 Section 11126 no longer has a subdivision (q); the material in question was relocated to subdivision

(e) in 1996 (see 1996 Cal. Stat. ch. 1041, § 5). Proposed Section 7927.205 (continuing the substance of Section 6254.25) would correct this erroneous cross-reference, as mentioned in the accompanying Comment.

In addition, the cross-referenced provision (Section 11126) appears to contain an inadvertent drafting error. Some paragraph relabeling and related revisions seem necessary. To fix the problem, the Commission plans to include a technical amendment of Section 11126 with the conforming revisions and repeals for its proposed recodification. For further discussion of this point, see CLRC Staff Memorandum 2017-50, pp. 11-16.

The Commission welcomes input on any aspect of its proposed recodification, but it would especially appreciate public comment on these matters.

CHAPTER 9. MISCELLANEOUS PUBLIC RECORDS

§ 7927.300. Confidential information relating to utility systems development, or market or crop reports

7927.300. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this division does not require disclosure of geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop reports, that are obtained in confidence from any person.

Comment. Section 7927.300 continues former Section 6254(e) without substantive change.

For other special rules in the California Public Records Act (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7927.205, 7927.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For procedural rules governing requests for public records and related matters, see Sections 7922.500-7922.725; see also Sections 7923.000-7923.510 (enforcement).

For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010 (restricting agency’s ability to transfer public record or otherwise relinquish control over its disclosure).

For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect of CPRA recodification). For references to some other bodies of law governing public records, see Section 7920.000 Comment.

See Section 7920.520 (“person”).

CHAPTER 10. PERSONAL INFORMATION AND CUSTOMER RECORDS

§ 7927.400. Personal information electronically collected by state agency

7927.400. Nothing in this division requires the disclosure of records that relate to electronically collected personal information, as defined by Section 11015.5, that is received, collected, or compiled by a state agency.

Comment. Section 7927.400 continues former Section 6254.20 without substantive change.

For other provisions of the California Public Records Act (“CPRA”) that relate specifically to personal information or customer records, see the rest of this chapter (Sections 7927.405-7927.420); see also Sections 7923.620 (disclosure of arrestee’s address or victim’s address for specified purposes), 7926.405 (personal information regarding employees or specified other

1 persons associated with reproductive health services facility), 7928.200-7928.230 (online posting
2 or sale of personal information of elected or appointed official), 7928.300 (personal information of
3 agency employee). For CPRA provisions that relate specifically to financial records or tax records,
4 see Sections 7925.000-7925.010. For guidance on private records, privileged materials, and other
5 records protected by law from disclosure, see Sections 7927.700-7927.705. For some provisions
6 governing redaction of social security numbers, see Sections 7922.200-7922.210.

7 For other special rules applicable to specific types of public records, see the rest of this part
8 (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
9 7930.215 (alphabetical list of many CPRA exemptions).

10 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
11 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
12 procedural rules governing requests for public records and related matters, see Sections 7922.500-
13 7922.725; see also Sections 7923.000-7923.510 (enforcement).

14 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
15 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
16 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
17 (restricting agency's ability to transfer public record or otherwise relinquish control over its
18 disclosure).

19 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
20 of CPRA recodification). For references to some other bodies of law governing public records, see
21 Section 7920.000 Comment.

22 **§ 7927.405. Residence or mailing address in records of Department of Motor Vehicles**

23 7927.405. Nothing in this division requires the disclosure of the residence or
24 mailing address of any person in any record of the Department of Motor Vehicles
25 except in accordance with Section 1808.21 of the Vehicle Code.

26 **Comment.** Section 7927.405 continues former Section 6254.1(b) without substantive change.

27 For other provisions of the California Public Records Act ("CPRA") that relate specifically to
28 personal information or customer records, see the rest of this chapter (Sections 7927.400-
29 7927.420); see also Sections 7923.620 (disclosure of arrestee's address or victim's address for
30 specified purposes), 7926.405 (personal information regarding employees or specified other
31 persons associated with reproductive health services facility), 7928.200-7928.230 (online posting
32 or sale of personal information of elected or appointed official), 7928.300 (personal information of
33 agency employee). For CPRA provisions that relate specifically to financial records or tax records,
34 see Sections 7925.000-7925.010. For guidance on private records, privileged materials, and other
35 records protected by law from disclosure, see Sections 7927.700-7927.705. For some provisions
36 governing redaction of social security numbers, see Sections 7922.200-7922.210.

37 For other special rules applicable to specific types of public records, see the rest of this part
38 (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
39 7930.215 (alphabetical list of many CPRA exemptions).

40 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
41 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
42 procedural rules governing requests for public records and related matters, see Sections 7922.500-
43 7922.725; see also Sections 7923.000-7923.510 (enforcement).

44 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
45 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
46 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
47 (restricting agency's ability to transfer public record or otherwise relinquish control over its
48 disclosure).

49 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
50 of CPRA recodification). For references to some other bodies of law governing public records, see
51 Section 7920.000 Comment.

1 See Section 7920.520 (“person”).

2 **§ 7927.410. Personal information of local agency utility customers**

3 7927.410. Nothing in this division requires the disclosure of the name, credit
4 history, utility usage data, home address, or telephone number of a utility customer
5 of a local agency, except that disclosure of the name, utility usage data, and the
6 home address of a utility customer of a local agency shall be made available upon
7 request as follows:

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

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

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

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

17 (e) Upon determination by the local agency that the utility customer who is the
18 subject of the request is an elected or appointed official with authority to determine
19 the utility usage policies of the local agency, provided that the home address of an
20 appointed official shall not be disclosed without the official’s consent.

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

23 **Comment.** Section 7927.410 continues former Section 6254.16 without substantive change.

24 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
25 personal information or customer records, see the rest of this chapter (Sections 7927.400-
26 7927.420); see also Sections 7923.620 (disclosure of arrestee’s address or victim’s address for
27 specified purposes), 7926.405 (personal information regarding employees or specified other
28 persons associated with reproductive health services facility), 7928.200-7928.230 (online posting
29 or sale of personal information of elected or appointed official), 7928.300 (personal information of
30 agency employee). For CPRA provisions that relate specifically to financial records or tax records,
31 see Sections 7925.000-7925.010. For guidance on private records, privileged materials, and other
32 records protected by law from disclosure, see Sections 7927.700-7927.705. For some provisions
33 governing redaction of social security numbers, see Sections 7922.200-7922.210.

34 For other special rules applicable to specific types of public records, see the rest of this part
35 (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
36 7930.215 (alphabetical list of many CPRA exemptions).

37 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
38 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
39 procedural rules governing requests for public records and related matters, see Sections 7922.500-
40 7922.725; see also Sections 7923.000-7923.510 (enforcement).

41 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
42 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
43 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
44 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
45 disclosure).

1 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
2 of CPRA recodification). For references to some other bodies of law governing public records, see
3 Section 7920.000 Comment.

4 See Sections 7920.505 (“local agency”), 7920.520 (“person”).

5 **§ 7927.415. Residence address in records of Department of Housing and Community**
6 **Development**

7 7927.415. Except as provided in Sections 7924.510 and 7924.700, nothing in this
8 division requires disclosure of records that are the residence address of any person
9 contained in the records of the Department of Housing and Community
10 Development, if the person has requested confidentiality of that information, in
11 accordance with Section 18081 of the Health and Safety Code.

12 **Comment.** Section 7927.415 continues former Section 6254.1(a) without substantive change.

13 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
14 personal information or customer records, see the rest of this chapter (Sections 7927.400-
15 7927.420); see also Sections 7923.620 (disclosure of arrestee’s address or victim’s address for
16 specified purposes), 7926.405 (personal information regarding employees or specified other
17 persons associated with reproductive health services facility), 7928.200-7928.230 (online posting
18 or sale of personal information of elected or appointed official), 7928.300 (personal information of
19 agency employee). For CPRA provisions that relate specifically to financial records or tax records,
20 see Sections 7925.000-7925.010. For guidance on private records, privileged materials, and other
21 records protected by law from disclosure, see Sections 7927.700-7927.705. For some provisions
22 governing redaction of social security numbers, see Sections 7922.200-7922.210.

23 For other special rules applicable to specific types of public records, see the rest of this part
24 (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
25 7930.215 (alphabetical list of many CPRA exemptions).

26 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
27 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
28 procedural rules governing requests for public records and related matters, see Sections 7922.500-
29 7922.725; see also Sections 7923.000-7923.510 (enforcement).

30 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
31 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
32 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
33 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
34 disclosure).

35 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
36 of CPRA recodification). For references to some other bodies of law governing public records, see
37 Section 7920.000 Comment.

38 See Section 7920.520 (“person”).

39 **§ 7927.420. Information relating to deceased minor foster child**

40 7927.420. Notwithstanding paragraph (2) of subdivision (a) of Section 827 of the
41 Welfare and Institutions Code, after the death of a foster child who is a minor, the
42 name, date of birth, and date of death of the child shall be subject to disclosure by
43 the county child welfare agency pursuant to this division.

44 **Comment.** Section 7927.420 continues former Section 6252.6 without substantive change.

45 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
46 personal information or customer records, see the rest of this chapter (Sections 7927.400-
47 7927.415); see also Sections 7923.620 (disclosure of arrestee’s address or victim’s address for
48 specified purposes), 7926.405 (personal information regarding employees or specified other

1 persons associated with reproductive health services facility), 7928.200-7928.230 (online posting
2 or sale of personal information of elected or appointed official), 7928.300 (personal information of
3 agency employee). For CPRA provisions that relate specifically to financial records or tax records,
4 see Sections 7925.000-7925.010. For guidance on private records, privileged materials, and other
5 records protected by law from disclosure, see Sections 7927.700-7927.705. For some provisions
6 governing redaction of social security numbers, see Sections 7922.200-7922.210.

7 For other special rules applicable to specific types of public records, see the rest of this part
8 (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
9 7930.215 (alphabetical list of many CPRA exemptions).

10 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
11 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
12 procedural rules governing requests for public records and related matters, see Sections 7922.500-
13 7922.725; see also Sections 7923.000-7923.510 (enforcement).

14 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
15 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
16 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
17 (restricting agency's ability to transfer public record or otherwise relinquish control over its
18 disclosure).

19 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
20 of CPRA recodification). For references to some other bodies of law governing public records, see
21 Section 7920.000 Comment.

22 CHAPTER 11. PRELIMINARY DRAFTS AND SIMILAR MATERIALS

23 § 7927.500. Preliminary drafts, notes, or interagency or intra-agency memoranda not 24 ordinarily retained

25 7927.500. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
26 division does not require disclosure of any preliminary drafts, notes, or interagency
27 or intra-agency memoranda that are not retained by a public agency in the ordinary
28 course of business, if the public interest in withholding those records clearly
29 outweighs the public interest in disclosure.

30 **Comment.** Section 7927.500 continues former Section 6254(a) without substantive change.

31 For provisions of the California Public Records Act ("CPRA") that relate specifically to litigation
32 records, see Sections 7927.200-7927.205. For guidance on private records, privileged materials,
33 and other records protected by law from disclosure, see Sections 7927.700-7927.705.

34 For other special rules applicable to specific types of public records, see the rest of this part
35 (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
36 7930.215 (alphabetical list of many CPRA exemptions).

37 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
38 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
39 procedural rules governing requests for public records and related matters, see Sections 7922.500-
40 7922.725; see also Sections 7923.000-7923.510 (enforcement).

41 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
42 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
43 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
44 (restricting agency's ability to transfer public record or otherwise relinquish control over its
45 disclosure).

46 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
47 of CPRA recodification). For references to some other bodies of law governing public records, see
48 Section 7920.000 Comment.

49 See Section 7920.525 ("public agency").

CHAPTER 12. PRIVATE INDUSTRY

§ 7927.600. Identity of private industry employer obtained in conjunction with collection of private industry wage data

7927.600. Whenever a city and county or a joint powers agency, pursuant to a mandatory statute or charter provision to collect private industry wage data for salary setting purposes, or a contract entered to implement that mandate, is provided this data by the federal Bureau of Labor Statistics on the basis that the identity of private industry employers shall remain confidential, the identity of the employers shall not be open to the public or be admitted as evidence in any action or special proceeding.

Comment. Section 7927.600 continues former Section 6254.6 without substantive change.

For other special rules in the California Public Records Act (“CPRA”) that apply to specific types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For procedural rules governing requests for public records and related matters, see Sections 7922.500-7922.725; see also Sections 7923.000-7923.510 (enforcement).

For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010 (restricting agency’s ability to transfer public record or otherwise relinquish control over its disclosure).

For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect of CPRA recodification). For references to some other bodies of law governing public records, see Section 7920.000 Comment.

§ 7927.605. Records relating to siting of private company

7927.605. (a) Nothing in this division requires the disclosure of records that are any of the following: corporate financial records, corporate proprietary information including trade secrets, and information relating to siting within the state furnished to a government agency by a private company for the purpose of permitting the agency to work with the company in retaining, locating, or expanding a facility within California.

(b) Except as provided in subdivision (c), incentives offered by a state or a local government agency, if any, shall be disclosed upon communication to the agency or the public of a decision to stay, locate, relocate, or expand, by a company, or upon application by that company to a governmental agency for a general plan amendment, rezone, use permit, building permit, or any other permit, whichever occurs first.

(c) Before publicly disclosing a record that describes state or local incentives offered by an agency to a private business to retain, locate, relocate, or expand the business within California, the agency shall delete information that is exempt pursuant to this section.

1 **Comment.** Section 7927.605 continues former Section 6254.15 without substantive change.

2 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
3 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
4 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
5 exemptions).

6 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
7 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
8 procedural rules governing requests for public records and related matters, see Sections 7922.500-
9 7922.725; see also Sections 7923.000-7923.510 (enforcement).

10 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
11 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
12 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
13 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
14 disclosure).

15 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
16 of CPRA recodification). For references to some other bodies of law governing public records, see
17 Section 7920.000 Comment.

18 See Sections 7920.510 (“local agency”), 7920.540 (“state agency”).

19 CHAPTER 13. PRIVATE RECORDS, PRIVILEGED MATERIALS, AND
20 OTHER RECORDS PROTECTED BY LAW FROM DISCLOSURE

21 **§ 7927.700. Personnel, medical, and similarly private files**

22 7927.700. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
23 division does not require disclosure of personnel, medical, or similar files, the
24 disclosure of which would constitute an unwarranted invasion of personal privacy.

25 **Comment.** Section 7927.700 continues former Section 6254(c) without substantive change.

26 In addition to this section, many other laws protect personal privacy to one degree or another.
27 See, e.g., Health Insurance Portability and Accountability Act (“HIPPA”), Pub. Law 104-191, 110
28 Stat. 1936 (1996); Public Safety Officers Procedural Bill of Rights Act (“POBAR”), Gov’t Code
29 §§ 3300-3312; Penal Code §§ 832.5, 832.7, 832.8.

30 For provisions of the California Public Records Act (“CPRA”) that relate specifically to personal
31 information or customer records, see Sections 7927.400-7927.420; see also Sections 7923.620
32 (disclosure of arrestee’s address or victim’s address for specified purposes), 7926.405 (personal
33 information regarding employees or specified other persons associated with reproductive health
34 services facility), 7928.200-7928.230 (online posting or sale of personal information of elected or
35 appointed official), 7928.300 (personal information of agency employee). For CPRA provisions
36 that relate specifically to financial records or tax records, see Sections 7925.000-7925.010. For
37 guidance on private records, privileged materials, and other records protected by law from
38 disclosure, see Sections 7927.700-7927.705. For some provisions governing redaction of social
39 security numbers, see Sections 7922.200-7922.210.

40 For other special rules applicable to specific types of public records, see the rest of this part
41 (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
42 7930.215 (alphabetical list of many CPRA exemptions).

43 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
44 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
45 procedural rules governing requests for public records and related matters, see Sections 7922.500-
46 7922.725; see also Sections 7923.000-7923.510 (enforcement).

47 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
48 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
49 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010

1 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
2 disclosure).

3 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
4 of CPRA recodification). For references to some other bodies of law governing public records, see
5 Section 7920.000 Comment.

6 **Note.** Proposed Section 7927.700 would continue the substance of Section 6254(c), which refers
7 broadly to “personnel, medical, or similar files, the disclosure of which would constitute an
8 unwarranted invasion of personal privacy.” There are also a variety of other, more specific, legal
9 protections for medical, personnel, and similarly private records.

10 It would be helpful to refer to the most important such legal protections in the Comment to
11 proposed Section 7927.700. **The Commission encourages input on which legal protections to
12 mention in this Comment.**

13 **The Commission would also appreciate input on any other aspect of this draft, including
14 input on which code provisions, cases, or other legal authorities to mention in any of the
15 Comments.** Such assistance would be invaluable, helping to make the proposed recodification
16 user-friendly and effective.

17 **§ 7927.705. Privileged records and other records protected by law from disclosure**

18 7927.705. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
19 division does not require disclosure of records, the disclosure of which is exempted
20 or prohibited pursuant to federal or state law, including, but not limited to,
21 provisions of the Evidence Code relating to privilege.

22 **Comment.** Section 7927.705 continues former Section 6254(k) without substantive change.

23 For evidentiary privileges under state law, see Evid. Code §§ 900-1070; see also Code Civ. Proc.
24 §§ 2018.010-2018.080 (attorney work product); Evid. Code §§ 1115-1129 (mediation
25 confidentiality). For evidentiary privileges under federal law, see Fed. R. Evid. 501.

26 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
27 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
28 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
29 exemptions).

30 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
31 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
32 procedural rules governing requests for public records and related matters, see Sections 7922.500-
33 7922.725; see also Sections 7923.000-7923.510 (enforcement).

34 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
35 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
36 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
37 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
38 disclosure).

39 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
40 of CPRA recodification). For references to some other bodies of law governing public records, see
41 Section 7920.000 Comment.

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CHAPTER 14. PUBLIC EMPLOYEE OR OFFICIAL

Article 1. The Governor

§ 7928.000. Governor’s correspondence

7928.000. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605, this division does not require the disclosure of correspondence of and to the Governor or employees of the Governor’s office or in the custody of or maintained by the Governor’s Legal Affairs Secretary.

(b) Public records shall not be transferred to the custody of the Governor’s Legal Affairs Secretary to evade the disclosure provisions of this division.

Comment. Section 7928.000 continues former Section 6254(l) without substantive change. For guidance on archiving and disclosure of the Governor’s records upon leaving office, see Sections 7928.005-7928.015. For guidance on disclosure of records of the Legislative Counsel, see Section 7928.100. For additional rules in the California Public Records Act (“CPRA”) that relate specifically to public employees and officials, see Sections 7928.200-7928.410. For other special rules applicable to specific types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For procedural rules governing requests for public records and related matters, see Sections 7922.500-7922.725; see also Sections 7923.000-7923.510 (enforcement).

For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010 (restricting agency’s ability to transfer public record or otherwise relinquish control over its disclosure).

For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect of CPRA recodification). For references to some other bodies of law governing public records, see Section 7920.000 Comment.

See Section 7920.530 (“public records”).

§ 7928.005. Archiving and disclosure of Governor’s public records upon leaving office

7928.005. (a) When the Governor leaves office, either voluntarily or involuntarily, public records in the custody or control of the Governor shall be transferred to the State Archives as soon as practical.

(b) Notwithstanding any other law, the Governor, by written instrument, the terms of which shall be made public, may restrict public access to any of the transferred public records, or any other writings the Governor may transfer that have not already been made accessible to the public.

(c) With respect to public records, public access, as otherwise provided for by this division, shall not be restricted for a period greater than 50 years or the death of the Governor, whichever is later, nor shall there be any restriction whatsoever with respect to enrolled bill files, press releases, speech files, or writings relating to applications for clemency or extradition in cases that have been closed for a period

1 of at least 25 years. Subject to any restrictions permitted by this section or Section
2 7928.010, the Secretary of State, as custodian of the State Archives, shall make all
3 those public records and other writings available to the public as otherwise provided
4 for in this division.

5 **Comment.** Section 7928.005 continues former Section 6268(a) without substantive change.

6 For a special rule applicable to governors who held office between 1974 and 1988, see Section
7 7928.010. For the Secretary of State’s authority to appraise and manage the Governor’s records for
8 preservation in the State Archives, see Section 7928.215. For additional guidance on disclosure of
9 the Governor’s correspondence, see Section 7928.000. For additional rules in the California Public
10 Records Act (“CPRA”) that relate specifically to public employees and officials, see Sections
11 7928.100-7928.410.

12 For other special rules applicable to specific types of public records, see the rest of this part
13 (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
14 7930.215 (alphabetical list of many CPRA exemptions).

15 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
16 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
17 procedural rules governing requests for public records and related matters, see Sections 7922.500-
18 7922.725; see also Sections 7923.000-7923.510 (enforcement).

19 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
20 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
21 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
22 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
23 disclosure).

24 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
25 of CPRA recodification). For references to some other bodies of law governing public records, see
26 Section 7920.000 Comment.

27 See Sections 7920.530 (“public records”), 7920.550 (“writing”).

28 **§ 7928.010. Special rule for Governor who held office between 1974 and 1988**

29 7928.010. (a)(1) For a Governor who held office between 1974 and 1988, Section
30 7928.005 does not apply to public records or other writings that were in the
31 Governor’s direct custody or control at the time of leaving office, except to the
32 extent that the Governor may voluntarily transfer those records or other writings to
33 the State Archives.

34 (2) Subdivision (a) does not apply to enrolled bill files, press releases, speech files,
35 or writings relating to applications for clemency or extradition.

36 (b)(1) Notwithstanding any other law, the public records and other writings of any
37 Governor who held office between 1974 and 1988 may be transferred to any
38 educational or research institution in California. With respect to public records,
39 however, public access, as otherwise provided for by this division, shall not be
40 restricted for a period greater than 50 years or the death of the Governor, whichever
41 is later.

42 (2) Records or writings shall not be transferred pursuant to this subdivision unless
43 the institution receiving them agrees to maintain, and does maintain, the materials
44 according to commonly accepted archival standards.

45 (3) An institution receiving public records pursuant to this subdivision shall not
46 destroy any of those records without first receiving the written approval of the

1 Secretary of State, as custodian of the State Archives. The Secretary of State may
2 require that the records be placed in the State Archives rather than being destroyed.

3 (4) An institution receiving records or writings pursuant to this subdivision shall
4 allow the Secretary of State, as custodian of the State Archives, to copy, at state
5 expense, and to make available to the public, any and all public records, and
6 inventories, indices, or finding aids relating to those records that the institution
7 makes available to the public generally. Copies of those records in the custody of
8 the State Archives shall be given the same legal effect as is given to the originals.

9 **Comment.** Subdivision (a) of Section 7928.010 continues former Section 6268(b) without
10 substantive change.

11 Subdivision (b) continues former Section 6268(c) without substantive change. An outdated
12 reference to “this paragraph” (as opposed to “this subdivision”) in the second sentence of former
13 Section 6268(c) has been corrected. See 1988 Cal. Stat. ch. 503, § 1.

14 By its terms, Section 7928.010 only applies to governors who held office between 1974 and
15 1988. For guidance on archiving and disclosure of the records of other governors upon leaving
16 office, see Section 7928.005. For the Secretary of State’s authority to appraise and manage the
17 Governor’s records for preservation in the State Archives, see Section 7928.215. For further
18 guidance on disclosure of the Governor’s correspondence, see Section 7928.000. For additional
19 rules in the California Public Records Act (“CPRA”) that relate specifically to public employees
20 and officials, see Sections 7928.100-7928.410.

21 For other special rules applicable to specific types of public records, see the rest of this part
22 (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
23 7930.215 (alphabetical list of many CPRA exemptions).

24 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
25 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
26 procedural rules governing requests for public records and related matters, see Sections 7922.500-
27 7922.725; see also Sections 7923.000-7923.510 (enforcement).

28 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
29 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
30 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
31 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
32 disclosure).

33 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
34 of CPRA recodification). For references to some other bodies of law governing public records, see
35 Section 7920.000 Comment.

36 See Sections 7920.530 (“public records”), 7920.550 (“writing”).

37 **§ 7928.015. Authority of Secretary of State to appraise and manage Governor’s records**

38 7928.015. (a) The Secretary of State may appraise and manage new or existing
39 records that are subject to Section 7928.005 or 7928.010 to determine whether the
40 records are appropriate for preservation in the State Archives.

41 (b) For purposes of this section, the Secretary of State shall use professional
42 archival practices, including, but not limited to, appraising the historic value of the
43 records, arranging and describing the records, rehousing the records in appropriate
44 storage containers, or providing any conservation treatment that the records require.

45 **Comment.** Section 7928.015 continues former Section 6268.5 without substantive change.

46 For further guidance on archiving and disclosure of the Governor’s public records upon leaving
47 office, see Sections 7928.005-7928.010. For further guidance on disclosure of the Governor’s
48 correspondence, see Section 7928.000. For additional rules in the California Public Records Act

1 (“CPRA”) that relate specifically to public employees and officials, see Sections 7928.100-
2 7928.410.

3 For other special rules applicable to specific types of public records, see the rest of this part
4 (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
5 7930.215 (alphabetical list of many CPRA exemptions).

6 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
7 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
8 procedural rules governing requests for public records and related matters, see Sections 7922.500-
9 7922.725; see also Sections 7923.000-7923.510 (enforcement).

10 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
11 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
12 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
13 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
14 disclosure).

15 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
16 of CPRA recodification). For references to some other bodies of law governing public records, see
17 Section 7920.000 Comment.

18 See Section 7920.530 (“public records”).

19 **Article 2. The Legislature**

20 **§ 7928.100. Records of Legislative Counsel**

21 7928.100. (a) Except as provided in subdivision (b) and in Sections 7924.510,
22 7924.700, and 7927.605, this division does not require disclosure of any records that
23 are in the custody of, or maintained by, the Legislative Counsel.

24 (b) Subdivision (a) does not apply to records in the public database maintained by
25 the Legislative Counsel that are described in Section 10248.

26 **Comment.** Section 7928.100 continues former Section 6254(m) without substantive change.

27 For guidance on disclosure and archiving of the Governor’s records, see Sections 7928.000-
28 7928.015. For additional rules in the California Public Records Act (“CPRA”) that relate
29 specifically to public employees and officials, see Sections 7928.200-7928.410.

30 For other special rules applicable to specific types of public records, see the rest of this part
31 (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
32 7930.215 (alphabetical list of many CPRA exemptions).

33 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
34 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
35 procedural rules governing requests for public records and related matters, see Sections 7922.500-
36 7922.725; see also Sections 7923.000-7923.510 (enforcement).

37 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
38 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
39 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
40 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
41 disclosure).

42 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
43 of CPRA recodification). For references to some other bodies of law governing public records, see
44 Section 7920.000 Comment.

1 Article 3. Online Posting or Sale of Personal Information of Elected
2 or Appointed Official

3 § 7928.200. Effect of article

4 7928.200. (a) Nothing in this article is intended to preclude punishment instead
5 under Sections 69, 76, or 422 of the Penal Code, or any other law.

6 (b) An interactive computer service or access software provider, as defined in
7 Section 230(f) of Title 47 of the United States Code, shall not be liable under this
8 article unless the service or provider intends to abet or cause imminent great bodily
9 harm that is likely to occur or threatens to cause imminent great bodily harm to an
10 elected or appointed official.

11 **Comment.** Subdivision (a) of Section 7928.200 continues former Section 6254.21(e) without
12 substantive change.

13 Subdivision (b) continues former Section 6254.21(g) without substantive change.

14 For guidance regarding online posting or sale of personal information of an elected or appointed
15 official, see the rest of this article (Sections 7928.205-7928.230). For additional rules in the
16 California Public Records Act (“CPRA”) that relate specifically to public employees and officials,
17 see Sections 7928.000-7928.100, 7928.300-7928.410.

18 For other special rules applicable to specific types of public records, see the rest of this part
19 (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
20 7930.215 (alphabetical list of many CPRA exemptions).

21 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
22 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
23 procedural rules governing requests for public records and related matters, see Sections 7922.500-
24 7922.725; see also Sections 7923.000-7923.510 (enforcement).

25 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
26 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
27 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
28 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
29 disclosure).

30 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
31 of CPRA recodification). For references to some other bodies of law governing public records, see
32 Section 7920.000 Comment.

33 See Section 7920.500 (“elected or appointed official”).

34 § 7928.205. Agency posting home address or phone number of elected or appointed official
35 on Internet

36 7928.205. No state or local agency shall post the home address or telephone
37 number of any elected or appointed official on the Internet without first obtaining
38 the written permission of that individual.

39 **Comment.** Section 7928.205 continues former Section 6254.21(a) without substantive change.

40 For a prohibition on posting the home address or phone number of an elected or appointed official
41 (or the official’s spouse or child) on the Internet with knowledge and intent, see Section 7928.210.
42 For a prohibition on publicly posting or displaying the home address or phone number of an elected
43 or appointed official who has made a written demand for nondisclosure, see Sections 7928.215-
44 7928.225 & Comments. For a prohibition on solicitation, sale, or trade of an elected or appointed
45 official’s home address or phone number on the Internet with intent to cause imminent great bodily
46 harm, see Section 7928.230. For rules on disclosure of personal information of agency employees,
47 see Section 7928.300. For some of the laws governing disclosure of personal information of

1 members of the general public, see Sections 7927.400-7927.420; see also Sections 7922.200-
2 7922.210 (redaction and truncation of social security numbers).

3 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
4 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
5 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
6 exemptions).

7 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
8 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
9 procedural rules governing requests for public records and related matters, see Sections 7922.500-
10 7922.725; see also Sections 7923.000-7923.510 (enforcement).

11 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
12 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
13 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
14 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
15 disclosure).

16 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
17 of CPRA recodification). For references to some other bodies of law governing public records, see
18 Section 7920.000 Comment.

19 See Sections 7920.500 (“elected or appointed official”), 7920.510 (“local agency”), 7920.540
20 (“state agency”). See also Section 7928.200 (effect of article).

21 **§ 7928.210. Posting home address or phone number of elected or appointed official, or**
22 **official’s spouse or child, on Internet with knowledge and intent**

23 7928.210. (a) No person shall knowingly post the home address or telephone
24 number of any elected or appointed official, or of the official’s residing spouse or
25 child, on the Internet knowing that person is an elected or appointed official and
26 intending to cause imminent great bodily harm that is likely to occur or threatening
27 to cause imminent great bodily harm to that individual.

28 (b) A violation of this section is a misdemeanor.

29 (c) A violation of this section that leads to the bodily injury of the official, or the
30 official’s residing spouse or child, is a misdemeanor or a felony.

31 **Comment.** Section 7928.210 continues former Section 6254.21(b) without substantive change.

32 For a rule prohibiting a state or local agency from posting the home address or phone number of
33 an elected or appointed official on the Internet without the official’s permission, see Section
34 7928.205. For a prohibition on publicly posting or displaying the home address or phone number
35 of an elected or appointed official who has made a written demand for nondisclosure, see Sections
36 7928.215-7928.225 & Comments. For a prohibition on solicitation, sale, or trade of an elected or
37 appointed official’s home address or phone number on the Internet with intent to cause imminent
38 great bodily harm, see Section 7928.230. For rules on disclosure of personal information of agency
39 employees, see Section 7928.300. For some of the laws governing disclosure of personal
40 information of members of the general public, see Sections 7927.400-7927.420; see also Sections
41 7922.200-7922.210 (redaction and truncation of social security numbers).

42 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
43 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
44 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
45 exemptions).

46 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
47 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
48 procedural rules governing requests for public records and related matters, see Sections 7922.500-
49 7922.725; see also Sections 7923.000-7923.510 (enforcement).

1 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
2 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
3 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
4 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
5 disclosure).

6 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
7 of CPRA recodification). For references to some other bodies of law governing public records, see
8 Section 7920.000 Comment.

9 See Sections 7920.500 (“elected or appointed official”), 7920.520 (“person”). See also Section
10 7928.200 (effect of article).

11 **§ 7928.215. Publicly posting or displaying home address or phone number of elected or**
12 **appointed official who has made written demand for nondisclosure**

13 7928.215. (a) For purposes of this section, “publicly post” or “publicly display”
14 means to intentionally communicate or otherwise make available to the general
15 public.

16 (b) No person, business, or association shall publicly post or publicly display on
17 the Internet the home address or telephone number of any elected or appointed
18 official if that official has, either directly or through an agent designated under
19 Section 7928.220, made a written demand of that person, business, or association to
20 not disclose the official’s home address or telephone number.

21 (c) A written demand made under this section by a state constitutional officer, a
22 mayor, or a member of the Legislature, a city council, or a board of supervisors shall
23 include a statement describing a threat or fear for the safety of that official or of any
24 person residing at the official’s home address.

25 (d) A written demand made under this section by an elected official shall be
26 effective for four years, regardless of whether the official’s term has expired before
27 the end of the four-year period.

28 (e)(1) A person, business, or association that receives the written demand of an
29 elected or appointed official pursuant to this section shall remove the official’s home
30 address or telephone number from public display on the Internet, including
31 information provided to cellular telephone applications, within 48 hours of delivery
32 of the written demand, and shall continue to ensure that this information is not
33 reposted on the same Internet Web site, subsidiary site, or any other Internet Web
34 site maintained by the recipient of the written demand.

35 (2) After receiving the elected or appointed official’s written demand, the person,
36 business, or association shall not transfer the appointed or elected official’s home
37 address or telephone number to any other person, business, or association through
38 any other medium.

39 (3) Paragraph (2) does not prohibit a telephone corporation, as defined in Section
40 234 of the Public Utilities Code, or its affiliate, from transferring the elected or
41 appointed official’s home address or telephone number to any person, business, or
42 association, if the transfer is authorized by federal or state law, regulation, order, or
43 tariff, or necessary in the event of an emergency, or to collect a debt owed by the
44 elected or appointed official to the telephone corporation or its affiliate.

1 **Comment.** Subdivision (a) of Section 7928.215 continues former Section 6254.21(c)(1)(E)
2 without substantive change.

3 Subdivision (b) continues former Section 6254.21(c)(1)(A) without substantive change.

4 Subdivision (c) continues former Section 6254.21(c)(1)(B) without substantive change.

5 Subdivision (d) continues former Section 6254.21(c)(1)(C) without substantive change.

6 Subdivision (e) continues former Section 6254.21(c)(1)(D) without substantive change.

7 For guidance on enforcement of this section and remedies for violation, see Section 7928.225.
8 For a rule prohibiting a state or local agency from posting the home address or phone number of an
9 elected or appointed official on the Internet without the official's permission, see Section 7928.205.
10 For a prohibition on posting the home address or phone number of an elected or appointed official
11 (or the official's spouse or child) on the Internet with knowledge and intent, see Section 7928.210.
12 For a prohibition on solicitation, sale, or trade of an elected or appointed official's home address
13 or phone number on the Internet with intent to cause imminent great bodily harm, see Section
14 7928.230. For rules on disclosure of personal information of agency employees, see Section
15 7928.300. For some of the laws governing disclosure of personal information of members of the
16 general public, see Sections 7927.400-7927.420; see also Sections 7922.200-7922.210 (redaction
17 and truncation of social security numbers).

18 For other special rules in the California Public Records Act ("CPRA") that apply to specific
19 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
20 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
21 exemptions).

22 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
23 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
24 procedural rules governing requests for public records and related matters, see Sections 7922.500-
25 7922.725; see also Sections 7923.000-7923.510 (enforcement).

26 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
27 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
28 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
29 (restricting agency's ability to transfer public record or otherwise relinquish control over its
30 disclosure).

31 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
32 of CPRA recodification). For references to some other bodies of law governing public records, see
33 Section 7920.000 Comment.

34 See Sections 7920.500 ("elected or appointed official"), 7920.520 ("person"). See also Section
35 7928.200 (effect of article).

36 § 7928.220. Designation of agent to make written demand

37 7928.220. (a) An elected or appointed official may designate in writing the
38 official's employer, a related governmental entity, or any voluntary professional
39 association of similar officials to act, on behalf of that official, as that official's
40 agent with regard to making a written demand pursuant to this article.

41 (b) An appointed official who is a District Attorney, a Deputy District Attorney,
42 or a peace officer, as defined in Sections 830 to 830.65, inclusive, of the Penal Code,
43 may also designate the official's recognized collective bargaining representative to
44 make a written demand on the official's behalf pursuant to this article.

45 (c) A written demand made by an agent pursuant to Section 7928.215 shall include
46 a statement describing a threat or fear for the safety of that official or of any person
47 residing at the official's home address.

48 **Comment.** Section 7928.220 continues former Section 6254.21(c)(3) without substantive
49 change.

1 For the effect of a demand under this section, see Sections 7928.215 (publicly posting or
2 displaying home address or phone number of elected or appointed official who has made written
3 demand for nondisclosure), 7928.225 (enforcement and remedies).

4 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
5 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
6 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
7 exemptions).

8 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
9 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
10 procedural rules governing requests for public records and related matters, see Sections 7922.500-
11 7922.725; see also Sections 7923.000-7923.510 (enforcement).

12 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
13 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
14 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
15 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
16 disclosure).

17 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
18 of CPRA recodification). For references to some other bodies of law governing public records, see
19 Section 7920.000 Comment.

20 See Sections 7920.500 (“elected or appointed official”), 7920.520 (“person”), 7920.550
21 (“writing”). See also Section 7928.200 (effect of article).

22 **§ 7928.225. Enforcement and remedies**

23 7928.225. (a) An official whose home address or telephone number is made public
24 as a result of a violation of Section 7928.215 may bring an action seeking injunctive
25 or declarative relief in any court of competent jurisdiction.

26 (b) If a court finds that a violation has occurred, it may grant injunctive or
27 declarative relief and shall award the official court costs and reasonable attorney’s
28 fees.

29 (c) A fine not exceeding one thousand dollars (\$1,000) may be imposed for a
30 violation of the court’s order for an injunction or declarative relief obtained pursuant
31 to this section.

32 **Comment.** Section 7928.225 continues former Section 6254.21(c)(2) without substantive
33 change.

34 For further guidance regarding punishment, see Section 7928.200 (effect of article). For other
35 special rules in the California Public Records Act (“CPRA”) that apply to specific types of public
36 records, see the rest of this part (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA
37 catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

38 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
39 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
40 procedural rules governing requests for public records and related matters, see Sections 7922.500-
41 7922.725; see also Sections 7923.000-7923.510 (enforcement).

42 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
43 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
44 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
45 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
46 disclosure).

47 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
48 of CPRA recodification). For references to some other bodies of law governing public records, see
49 Section 7920.000 Comment.

1 **§ 7928.230. Solicitation, sale, or trade of elected or appointed official’s home address or**
2 **phone number on Internet with intent to cause imminent great bodily harm**

3 7928.230. (a) No person, business, or association shall solicit, sell, or trade on the
4 Internet the home address or telephone number of an elected or appointed official
5 with the intent to cause imminent great bodily harm to the official or to any person
6 residing at the official’s home address.

7 (b) Notwithstanding any other law, an official whose home address or telephone
8 number is solicited, sold, or traded in violation of subdivision (a) may bring an
9 action in any court of competent jurisdiction.

10 (c) If a jury or court finds that a violation has occurred, it shall award damages to
11 that official in an amount up to a maximum of three times the actual damages but in
12 no case less than four thousand dollars (\$4,000).

13 **Comment.** Section 7928.230 continues former Section 6254.21(d) without substantive change.

14 For a rule prohibiting a state or local agency from posting the home address or phone number of
15 an elected or appointed official on the Internet without the official’s permission, see Section
16 7928.205. For a prohibition on posting the home address or phone number of an elected or
17 appointed official (or the official’s spouse or child) on the Internet with knowledge and intent, see
18 Section 7928.210. For a prohibition on publicly posting or displaying the home address or phone
19 number of an elected or appointed official who has made a written demand for nondisclosure, see
20 Sections 7928.215-7928.225 & Comments. For rules on disclosure of personal information of
21 agency employees, see Section 7928.300. For some of the laws governing disclosure of personal
22 information of members of the general public, see Sections 7927.400-7927.420; see also Sections
23 7922.200-7922.210 (redaction and truncation of social security numbers).

24 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
25 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
26 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
27 exemptions).

28 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
29 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
30 procedural rules governing requests for public records and related matters, see Sections 7922.500-
31 7922.725; see also Sections 7923.000-7923.510 (enforcement).

32 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
33 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
34 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
35 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
36 disclosure).

37 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
38 of CPRA recodification). For references to some other bodies of law governing public records, see
39 Section 7920.000 Comment.

40 See Sections 7920.500 (“elected or appointed official”), 7920.520 (“person”). See also Section
41 7928.200 (effect of article).

42 **Article 4. Personal Information of Agency Employee**

43 **§ 7928.300. Home address, home phone number, personal cellular phone number, birth**
44 **date, and personal email address of employee of public agency**

45 7928.300. (a) The home addresses, home telephone numbers, personal cellular
46 telephone numbers, and birth dates of all employees of a public agency shall not be

1 deemed to be public records and shall not be open to public inspection, except that
2 disclosure of that information may be made as follows:

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

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

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

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

15 (b)(1) Unless used by the employee to conduct public business, or necessary to
16 identify a person in an otherwise disclosable communication, the personal email
17 addresses of all employees of a public agency shall not be deemed to be public
18 records and shall not be open to public inspection, except that disclosure of that
19 information may be made as specified in paragraphs (1) to (4), inclusive, of
20 subdivision (a).

21 (2) This subdivision shall not be construed to limit the public's right to access the
22 content of an employee's personal email that is used to conduct public business, as
23 decided by the California Supreme Court in *City of San Jose v. Superior Court*
24 (2017) 2 Cal.5th 608.

25 (c) Upon written request of any employee, a public agency shall not disclose the
26 employee's home address, home telephone number, personal cellular telephone
27 number, personal email address, or birth date pursuant to paragraph (3) of
28 subdivision (a) and an agency shall remove the employee's home address, home
29 telephone number, and personal cellular telephone number from any mailing list
30 maintained by the agency, except if the list is used exclusively by the agency to
31 contact the employee.

32 **Comment.** Section 7928.300 continues former Section 6254.3 without substantive change.

33 For rules governing online posting or sale of personal information of an elected or appointed
34 official, see Sections 7928.200-7928.230. For some of the laws governing disclosure of personal
35 information of members of the general public, see Sections 7927.400-7927.420; see also Sections
36 7922.200-7922.210 (redaction and truncation of social security numbers).

37 For other special rules in the California Public Records Act ("CPRA") that apply to specific
38 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
39 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
40 exemptions).

41 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
42 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
43 procedural rules governing requests for public records and related matters, see Sections 7922.500-
44 7922.725; see also Sections 7923.000-7923.510 (enforcement).

45 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
46 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of

1 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
2 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
3 disclosure).

4 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
5 of CPRA recodification). For references to some other bodies of law governing public records, see
6 Section 7920.000 Comment.

7 See Sections 7920.525 (“public agency”), 7920.530 (“public records”), 7920.550 (“writing”).

8 Article 5. Employment Contracts of Government Employees and
9 Related Matters

10 § 7928.400. Employment contract between agency and public official or public employee

11 7928.400. Every employment contract between a state or local agency and any
12 public official or public employee is a public record that is not subject to Section
13 7922.000 and the provisions listed in Section 7920.505.

14 **Comment.** Section 7928.400 continues former Section 6254.8 without substantive change.

15 For a provision on personal information of an agency employee, see Section 7928.300. For rules
16 governing online posting or sale of personal information of an elected or appointed official, see
17 Sections 7928.200-7928.230.

18 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
19 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
20 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
21 exemptions).

22 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
23 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
24 procedural rules governing requests for public records and related matters, see Sections 7922.500-
25 7922.725; see also Sections 7923.000-7923.510 (enforcement).

26 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
27 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
28 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
29 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
30 disclosure).

31 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
32 of CPRA recodification). For references to some other bodies of law governing public records, see
33 Section 7920.000 Comment.

34 See Sections 7920.510 (“local agency”), 7920.530 (“public records”), 7920.540 (“state agency”).

35 § 7928.405. State agency records relating to activities governed by specified employee
36 relations acts

37 7928.405. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
38 this division does not require the disclosure of records of state agencies related to
39 activities governed by Chapter 10.3 (commencing with Section 3512), Chapter 10.5
40 (commencing with Section 3525), and Chapter 12 (commencing with Section 3560)
41 of Division 4, that reveal a state agency’s deliberative processes, impressions,
42 evaluations, opinions, recommendations, meeting minutes, research, work products,
43 theories, or strategy, or that provide instruction, advice, or training to employees
44 who do not have full collective bargaining and representation rights under these
45 chapters.

1 (b) This section shall not be construed to limit the disclosure duties of a state
2 agency with respect to any other records relating to the activities governed by the
3 employee relations acts referred to in this section.

4 **Comment.** Section 7928.405 continues former Section 6254(p)(1) without substantive change.

5 For a similar provision relating to a local agency, see Section 7928.410. For provisions in the
6 California Public Records Act (“CPRA”) on spending, finances, and oversight of public entities,
7 see Sections 7928.700-7928.720.

8 For other special rules applicable to specific types of public records, see the rest of this part
9 (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
10 7930.215 (alphabetical list of many CPRA exemptions).

11 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
12 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
13 procedural rules governing requests for public records and related matters, see Sections 7922.500-
14 7922.725; see also Sections 7923.000-7923.510 (enforcement).

15 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
16 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
17 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
18 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
19 disclosure).

20 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
21 of CPRA recodification). For references to some other bodies of law governing public records, see
22 Section 7920.000 Comment.

23 See Section 7920.540 (“state agency”).

24 **§ 7928.410. Local agency records relating to activities governed by Meyers-Milias-Brown**
25 **Act**

26 7928.410. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
27 this division does not require the disclosure of records of local agencies related to
28 activities governed by Chapter 10 (commencing with Section 3500) of Division 4,
29 that reveal a local agency’s deliberative processes, impressions, evaluations,
30 opinions, recommendations, meeting minutes, research, work products, theories, or
31 strategy, or that provide instruction, advice, or training to employees who do not
32 have full collective bargaining and representation rights under that chapter.

33 (b) This section shall not be construed to limit the disclosure duties of a local
34 agency with respect to any other records relating to the activities governed by the
35 employee relations act referred to in this section.

36 **Comment.** Section 7928.410 continues former Section 6254(p)(2) without substantive change.

37 For a similar provision relating to a state agency, see Section 7928.405. For provisions in the
38 California Public Records Act (“CPRA”) on spending, finances, and oversight of public entities,
39 see Sections 7928.700-7928.720.

40 For other special rules applicable to specific types of public records, see the rest of this part
41 (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
42 7930.215 (alphabetical list of many CPRA exemptions).

43 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
44 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
45 procedural rules governing requests for public records and related matters, see Sections 7922.500-
46 7922.725; see also Sections 7923.000-7923.510 (enforcement).

47 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
48 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of

1 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
2 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
3 disclosure).

4 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
5 of CPRA recodification). For references to some other bodies of law governing public records, see
6 Section 7920.000 Comment.

7 See Section 7920.510 (“local agency”).

8 CHAPTER 15. PUBLIC ENTITY SPENDING, FINANCES, AND OVERSIGHT

9 Article 1. Access in General

10 § 7928.700. Access to agency contract requiring private entity to review, audit, or report on 11 that agency

12 7928.700. Notwithstanding any contract term to the contrary, a contract entered
13 into by a state or local agency subject to this division, including the University of
14 California, that requires a private entity to review, audit, or report on any aspect of
15 that agency shall be public to the extent the contract is otherwise subject to
16 disclosure under this division.

17 **Comment.** Section 7928.700 continues former Section 6253.31 without substantive change.

18 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
19 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
20 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
21 exemptions).

22 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
23 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
24 procedural rules governing requests for public records and related matters, see Sections 7922.500-
25 7922.725; see also Sections 7923.000-7923.510 (enforcement).

26 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
27 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
28 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
29 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
30 disclosure).

31 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
32 of CPRA recodification). For references to some other bodies of law governing public records, see
33 Section 7920.000 Comment.

34 See Sections 7920.510 (“local agency”), 7920.540 (“state agency”).

35 § 7928.705. Specified records relating to public supply and construction contracts or to 36 acquisition of property by state or local agency

37 7928.705. (a) Except as provided in subdivision (b) and in Sections 7924.510,
38 7924.700, and 7927.605, this division does not require disclosure of the contents of
39 real estate appraisals or engineering or feasibility estimates and evaluations made
40 for or by a state or local agency relative to the acquisition of property, or to
41 prospective public supply and construction contracts, until all of the property has
42 been acquired or all of the contract agreement obtained.

43 (b) This section does not affect the law of eminent domain.

44 **Comment.** Section 7928.705 continues former Section 6254(h) without substantive change.

1 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
2 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
3 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
4 exemptions).

5 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
6 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
7 procedural rules governing requests for public records and related matters, see Sections 7922.500-
8 7922.725; see also Sections 7923.000-7923.510 (enforcement).

9 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
10 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
11 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
12 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
13 disclosure).

14 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
15 of CPRA recodification). For references to some other bodies of law governing public records, see
16 Section 7920.000 Comment.

17 See Sections 7920.510 (“local agency”), 7920.540 (“state agency”).

18 **§ 7928.710. Records relating to alternative investments of public investment funds**

19 7928.710. (a) For purposes of this section, the following definitions apply:

20 (1) “Alternative investment” means an investment in a private equity fund,
21 venture fund, hedge fund, or absolute return fund.

22 (2) “Alternative investment vehicle” means the limited partnership, limited
23 liability company, or similar legal structure through which the public investment
24 fund invests in portfolio companies.

25 (3) “Portfolio positions” means individual portfolio investments made by the
26 alternative investment vehicles.

27 (4) “Public investment fund” means any public pension or retirement system, and
28 any public endowment or foundation.

29 (b) Notwithstanding any provision of this division or other law, the following
30 records regarding alternative investments in which public investment funds invest
31 are not subject to disclosure pursuant to this division, unless the information has
32 already been publicly released by the keeper of the information:

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

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

36 (3) Meeting materials of alternative investment vehicles.

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

39 (5) Capital call and distribution notices.

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

41 (c) Notwithstanding subdivision (b), the following information contained in
42 records described in subdivision (b) regarding alternative investments in which
43 public investment funds invest is subject to disclosure pursuant to this division and
44 shall not be considered a trade secret exempt from disclosure:

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

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

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

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

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

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

12 (7) The investment multiple of each alternative investment vehicle since
13 inception.

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

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

19 **Comment.** Subdivision (a) of Section 7928.710 continues former Section 6254.26(c) without
20 substantive change.

21 Subdivision (b) continues former Section 6254.26(a) without substantive change.

22 Subdivision (c) continues former Section 6254.26(b) without substantive change.

23 For other special rules in the California Public Records Act ("CPRA") that apply to specific
24 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
25 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
26 exemptions).

27 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
28 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
29 procedural rules governing requests for public records and related matters, see Sections 7922.500-
30 7922.725; see also Sections 7923.000-7923.510 (enforcement).

31 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
32 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
33 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
34 (restricting agency's ability to transfer public record or otherwise relinquish control over its
35 disclosure).

36 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
37 of CPRA recodification). For references to some other bodies of law governing public records, see
38 Section 7920.000 Comment.

39 **§ 7928.715. Unique identifying code used by public agency to identify vendor or contractor**
40 **or affiliate**

41 7928.715. Nothing in this division requires disclosure of an identification number,
42 alphanumeric character, or other unique identifying code that a public agency uses
43 to identify a vendor or contractor, or an affiliate of a vendor or contractor, unless
44 the identification number, alphanumeric character, or other unique identifying code
45 is used in a public bidding or an audit involving the public agency.

46 **Comment.** Section 7928.715 continues former Section 6254.33 without substantive change.

1 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
2 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
3 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
4 exemptions).

5 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
6 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
7 procedural rules governing requests for public records and related matters, see Sections 7922.500-
8 7922.725; see also Sections 7923.000-7923.510 (enforcement).

9 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
10 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
11 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
12 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
13 disclosure).

14 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
15 of CPRA recodification). For references to some other bodies of law governing public records, see
16 Section 7920.000 Comment.

17 See Section 7920.525 (“public agency”).

18 **§ 7928.720. Itemized statement of total expenditures and disbursements of judicial branch**
19 **agency**

20 7928.720. Notwithstanding Section 7920.540, an itemized statement of the total
21 expenditures and disbursements of any agency provided for in Article VI of the
22 California Constitution shall be open for inspection.

23 **Comment.** Section 7928.720 continues former Section 6261 without substantive change.

24 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
25 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
26 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
27 exemptions).

28 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
29 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
30 procedural rules governing requests for public records and related matters, see Sections 7922.500-
31 7922.725; see also Sections 7923.000-7923.510 (enforcement).

32 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
33 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
34 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
35 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
36 disclosure).

37 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
38 of CPRA recodification). For references to some other bodies of law governing public records, see
39 Section 7920.000 Comment.

40 **Article 2. Requirements Specific to Online Access**

41 **§ 7928.800. Website of independent special district**

42 7928.800. In implementing this division, each independent special district shall
43 maintain an Internet Web site in accordance with Section 53087.8.

44 **Comment.** Section 7928.800 continues former Section 6270.6 without substantive change.

45 For an explanation of the role and importance of special districts, see 2018 Cal. Stat. ch. 408, §
46 1. For guidance in the California Public Records Act (“CPRA”) regarding agency websites, see
47 Sections 7922.545 (posting public record on agency’s Internet Web site), 7922.680 (formatting of

1 record that local agency posts on Internet Resource), and 7922.715 (posting catalog of enterprise
2 systems on local agency's website).

3 For other special rules applicable to specific types of public records, see the rest of this part
4 (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
5 7930.215 (alphabetical list of many CPRA exemptions).

6 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
7 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
8 procedural rules governing requests for public records and related matters, see Sections 7922.500-
9 7922.725; see also Sections 7923.000-7923.510 (enforcement).

10 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
11 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
12 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
13 (restricting agency's ability to transfer public record or otherwise relinquish control over its
14 disclosure).

15 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
16 of CPRA recodification). For references to some other bodies of law governing public records, see
17 Section 7920.000 Comment.

18 CHAPTER 16. REGULATION OF FINANCIAL INSTITUTIONS AND 19 SECURITIES

20 § 7929.000. Records of state agency that regulates or supervises financial institutions or 21 issuance of securities

22 7929.000. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
23 division does not require disclosure of records contained in, or related to, any of the
24 following:

25 (a) Applications filed with any state agency responsible for the regulation or
26 supervision of the issuance of securities or of financial institutions, including, but
27 not limited to, banks, savings and loan associations, industrial loan companies,
28 credit unions, and insurance companies.

29 (b) Examination, operating, or condition reports prepared by, on behalf of, or for
30 the use of, any state agency referred to in subdivision (a).

31 (c) Preliminary drafts, notes, or interagency or intra-agency communications
32 prepared by, on behalf of, or for the use of, any state agency referred to in
33 subdivision (a).

34 (d) Information received in confidence by any state agency referred to in
35 subdivision (a).

36 **Comment.** Section 7929.000 continues former Section 6254(d) without substantive change.

37 For other special rules in the California Public Records Act ("CPRA") that apply to specific
38 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
39 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
40 exemptions).

41 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
42 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
43 procedural rules governing requests for public records and related matters, see Sections 7922.500-
44 7922.725; see also Sections 7923.000-7923.510 (enforcement).

45 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
46 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of

1 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
2 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
3 disclosure).

4 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
5 of CPRA recodification). For references to some other bodies of law governing public records, see
6 Section 7920.000 Comment.

7 **§ 7929.005. Disciplinary records made available to Department of Business Oversight**
8 **through computer system**

9 7929.005. (a) Any information reported to the North American Securities
10 Administrators Association/Financial Industry Regulatory Authority and compiled
11 as disciplinary records that are made available to the Department of Business
12 Oversight through a computer system constitutes a public record.

13 (b) Notwithstanding any other provision of law, upon written or oral request
14 pursuant to Section 25247 of the Corporations Code, the Department of Business
15 Oversight may disclose any of the following:

- 16 (1) The information described in subdivision (a).
- 17 (2) The current license status of a broker-dealer.
- 18 (3) The year of issuance of the license of a broker-dealer.

19 **Comment.** Section 7929.005 continues former Section 6254.12 without substantive change.

20 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
21 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
22 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
23 exemptions).

24 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
25 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
26 procedural rules governing requests for public records and related matters, see Sections 7922.500-
27 7922.725; see also Sections 7923.000-7923.510 (enforcement).

28 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
29 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
30 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
31 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
32 disclosure).

33 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
34 of CPRA recodification). For references to some other bodies of law governing public records, see
35 Section 7920.000 Comment.

36 See Sections 7920.530 (“public records”), 7920.550 (“writing”).

37 **CHAPTER 17. SECURITY MEASURES AND RELATED MATTERS**

38 **§ 7929.200. Document assessing agency’s vulnerability to terrorist attack or other criminal**
39 **act intended to disrupt agency operations**

40 7929.200. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
41 division does not require disclosure of a document prepared by or for a state or local
42 agency that satisfies both of the following conditions:

- 43 (a) It assesses the agency’s vulnerability to terrorist attack or other criminal acts
44 intended to disrupt the public agency’s operation.
- 45 (b) It is for distribution or consideration in a closed session.

1 **Comment.** Section 7929.200 continues former Section 6254(aa) without substantive change.

2 For guidance on the proper treatment of critical infrastructure information that is voluntarily
3 submitted to the Office of Emergency Services, see Section 7929.205. For guidance on handling
4 an information security record of a public agency, see Section 7929.210. For guidance regarding a
5 risk assessment or railroad infrastructure protection program that is filed with the Public Utilities
6 Commission, the Director of Homeland Security, and the Office of Emergency Services, see
7 Section 7929.215. For disclosure of records relating to crimes, weapons, or law enforcement, see
8 Sections 7923.600-7923.805.

9 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
10 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
11 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
12 exemptions).

13 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
14 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
15 procedural rules governing requests for public records and related matters, see Sections 7922.500-
16 7922.725; see also Sections 7923.000-7923.510 (enforcement).

17 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
18 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
19 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
20 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
21 disclosure).

22 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
23 of CPRA recodification). For references to some other bodies of law governing public records, see
24 Section 7920.000 Comment.

25 See Sections 7920.510 (“local agency”), 7920.525 (“public agency”), 7920.540 (“state agency”).

26 **§ 7929.205. Critical infrastructure information voluntarily submitted to OES**

27 7929.205. (a) As used in this section, “voluntarily submitted” means submitted
28 without the Office of Emergency Services exercising any legal authority to compel
29 access to, or submission of, critical infrastructure information.

30 (b) Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
31 division does not require disclosure of critical infrastructure information, as defined
32 in Section 131(3) of Title 6 of the United States Code, that is voluntarily submitted
33 to the Office of Emergency Services for use by that office, including the identity of
34 the person who, or entity that, voluntarily submitted the information.

35 (c) This section does not affect the status of information in the possession of any
36 other state or local governmental agency.

37 **Comment.** Subdivision (a) of Section 7929.205 continues the second sentence of former Section
38 6254(ab) without substantive change.

39 Subdivision (b) continues the first sentence of former Section 6254(ab) without substantive
40 change.

41 Subdivision (c) continues the third sentence of former Section 6254(ab) without substantive
42 change.

43 For guidance on disclosure of a document assessing an agency’s vulnerability to terrorist attack
44 or other criminal acts intended to disrupt the agency’s operation, see Section 7929.200. For
45 guidance on handling an information security record of a public agency, see Section 7929.210. For
46 guidance regarding a risk assessment or railroad infrastructure protection program that is filed with
47 the Public Utilities Commission, the Director of Homeland Security, and the Office of Emergency
48 Services, see Section 7929.215. For disclosure of records relating to crimes, weapons, or law
49 enforcement, see Sections 7923.600-7923.805.

1 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
2 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
3 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
4 exemptions).

5 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
6 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
7 procedural rules governing requests for public records and related matters, see Sections 7922.500-
8 7922.725; see also Sections 7923.000-7923.510 (enforcement).

9 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
10 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
11 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
12 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
13 disclosure).

14 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
15 of CPRA recodification). For references to some other bodies of law governing public records, see
16 Section 7920.000 Comment.

17 See Sections 7920.510 (“local agency”), 7920.520 (“person”), 7920.540 (“state agency”).

18 **§ 7929.210. Information security record of public agency**

19 7929.210. (a) Nothing in this division requires the disclosure of an information
20 security record of a public agency, if, on the facts of the particular case, disclosure
21 of that record would reveal vulnerabilities to, or otherwise increase the potential for
22 an attack on, an information technology system of a public agency.

23 (b) Nothing in this section limits public disclosure of records stored within an
24 information technology system of a public agency that are not otherwise exempt
25 from disclosure pursuant to this division or any other law.

26 **Comment.** Section 7929.210 continues former Section 6254.19 without substantive change.

27 For guidance on disclosure of a document assessing an agency’s vulnerability to terrorist attack
28 or other criminal acts intended to disrupt the agency’s operation, see Section 7929.200. For
29 guidance on the proper treatment of critical infrastructure information that is voluntarily submitted
30 to the Office of Emergency Services, see Section 7929.205. For guidance regarding a risk
31 assessment or railroad infrastructure protection program that is filed with the Public Utilities
32 Commission, the Director of Homeland Security, and the Office of Emergency Services, see
33 Section 7929.215. For disclosure of records relating to crimes, weapons, or law enforcement, see
34 Sections 7923.600-7923.805.

35 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
36 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
37 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
38 exemptions).

39 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
40 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
41 procedural rules governing requests for public records and related matters, see Sections 7922.500-
42 7922.725; see also Sections 7923.000-7923.510 (enforcement).

43 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
44 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
45 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
46 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
47 disclosure).

48 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
49 of CPRA recodification). For references to some other bodies of law governing public records, see
50 Section 7920.000 Comment.

1 See Section 7920.525 (“public agency”).

2 **§ 7929.215. Risk assessment or railroad infrastructure protection program filed with PUC,**
3 **Director of Homeland Security, and OES**

4 7929.215. Nothing in this division or any other law requires disclosure of a risk
5 assessment or railroad infrastructure protection program filed with the Public
6 Utilities Commission, the Director of Homeland Security, and the Office of
7 Emergency Services pursuant to Article 7.3 (commencing with Section 7665) of
8 Chapter 1 of Division 4 of the Public Utilities Code.

9 **Comment.** Section 7929.215 continues former Section 6254.23 without substantive change.

10 For guidance on disclosure of a document assessing an agency’s vulnerability to terrorist attack
11 or other criminal acts intended to disrupt the agency’s operation, see Section 7929.200. For
12 guidance on the proper treatment of critical infrastructure information that is voluntarily submitted
13 to the Office of Emergency Services, see Section 7929.205. For guidance on handling an
14 information security record of a public agency, see Section 7929.210. For disclosure of records
15 relating to crimes, weapons, or law enforcement, see Sections 7923.600-7923.805.

16 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
17 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
18 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
19 exemptions).

20 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
21 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
22 procedural rules governing requests for public records and related matters, see Sections 7922.500-
23 7922.725; see also Sections 7923.000-7923.510 (enforcement).

24 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
25 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
26 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
27 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
28 disclosure).

29 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
30 of CPRA recodification). For references to some other bodies of law governing public records, see
31 Section 7920.000 Comment.

32 **CHAPTER 18. STATE COMPENSATION INSURANCE FUND**

33 **§ 7929.400. Confidential medical information or other individually identifiable information**
34 **in records relating to claim**

35 7929.400. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
36 division does not require disclosure of records of the State Compensation Insurance
37 Fund that relate to claims pursuant to Chapter 1 (commencing with Section 3200)
38 of Division 4 of the Labor Code, to the extent that confidential medical information
39 or other individually identifiable information would be disclosed.

40 **Comment.** Section 7929.400 continues former Section 6254(ad)(1) without substantive change.

41 For guidance on disclosure of other types of records of the State Compensation Insurance Fund,
42 see Sections 7929.405-7929.430. For some of the laws generally governing access to medical
43 records and other health care information, see Sections 7926.000-7926.500; see also Sections
44 7927.700 (personnel, medical, and similarly private files), 7929.600 (results of test in DMV study
45 of physical or mental factors affecting driving ability).

1 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
2 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
3 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
4 exemptions).

5 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
6 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
7 procedural rules governing requests for public records and related matters, see Sections 7922.500-
8 7922.725; see also Sections 7923.000-7923.510 (enforcement).

9 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
10 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
11 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
12 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
13 disclosure).

14 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
15 of CPRA recodification). For references to some other bodies of law governing public records, see
16 Section 7920.000 Comment.

17 **§ 7929.405. Contract negotiations and related deliberations**

18 7929.405. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
19 division does not require disclosure of records of the State Compensation Insurance
20 Fund that relate to discussions, communications, or any other portion of negotiations
21 with entities contracting or seeking to contract with the fund, and any related
22 deliberations.

23 **Comment.** Section 7929.405 continues former Section 6254(ad)(2) without substantive change.

24 For guidance on disclosure of other types of records of the State Compensation Insurance Fund,
25 see Sections 7929.400, 7929.410-7929.430. For some of the laws generally governing access to
26 medical records and other health care information, see Sections 7926.000-7926.500; see also
27 Sections 7927.700 (personnel, medical, and similarly private files), 7929.600 (results of test in
28 DMV study of physical or mental factors affecting driving ability).

29 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
30 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
31 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
32 exemptions).

33 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
34 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
35 procedural rules governing requests for public records and related matters, see Sections 7922.500-
36 7922.725; see also Sections 7923.000-7923.510 (enforcement).

37 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
38 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
39 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
40 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
41 disclosure).

42 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
43 of CPRA recodification). For references to some other bodies of law governing public records, see
44 Section 7920.000 Comment.

45 **§ 7929.410. Opinions, advice, strategy determinations, and similar materials**

46 7929.410. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
47 division does not require disclosure of records of the State Compensation Insurance
48 Fund that relate to the impressions, opinions, recommendations, meeting minutes of

1 meetings or sessions that are lawfully closed to the public, research, work product,
2 theories, or strategy of the fund or its staff, on the development of rates, contracting
3 strategy, underwriting, or competitive strategy pursuant to the powers granted to the
4 fund in Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the
5 Insurance Code.

6 **Comment.** Section 7929.410 continues former Section 6254(ad)(3) without substantive change.

7 For guidance on disclosure of other types of records of the State Compensation Insurance Fund,
8 see Sections 7929.400, 7929.405, 7929.415-7929.430. For some of the laws generally governing
9 access to medical records and other health care information, see Sections 7926.000-7926.500; see
10 also Sections 7927.700 (personnel, medical, and similarly private files), 7929.600 (results of test
11 in DMV study of physical or mental factors affecting driving ability).

12 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
13 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
14 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
15 exemptions).

16 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
17 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
18 procedural rules governing requests for public records and related matters, see Sections 7922.500-
19 7922.725; see also Sections 7923.000-7923.510 (enforcement).

20 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
21 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
22 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
23 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
24 disclosure).

25 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
26 of CPRA recodification). For references to some other bodies of law governing public records, see
27 Section 7920.000 Comment.

28 **§ 7929.415. Records obtained to provide workers’ compensation insurance**

29 7929.415. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
30 division does not require disclosure of records of the State Compensation Insurance
31 Fund obtained to provide workers’ compensation insurance under Chapter 4
32 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code,
33 including, but not limited to, all of the following:

34 (a) Any medical claims information.

35 (b) Policyholder information, provided that nothing in this section shall be
36 interpreted to prevent an insurance agent or broker from obtaining proprietary
37 information or other information authorized by law to be obtained by the agent or
38 broker.

39 (c) Information on rates, pricing, and claims handling received from brokers.

40 **Comment.** Section 7929.415 continues former Section 6254(ad)(4) without substantive change.

41 For guidance on disclosure of other types of records of the State Compensation Insurance Fund,
42 see Sections 7929.400-7929.410, 7929.420-7929.430. For some of the laws generally governing
43 access to medical records and other health care information, see Sections 7926.000-7926.500; see
44 also Sections 7927.700 (personnel, medical, and similarly private files), 7929.600 (results of test
45 in DMV study of physical or mental factors affecting driving ability).

46 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
47 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections

1 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
2 exemptions).

3 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
4 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
5 procedural rules governing requests for public records and related matters, see Sections 7922.500-
6 7922.725; see also Sections 7923.000-7923.510 (enforcement).

7 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
8 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
9 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
10 (restricting agency's ability to transfer public record or otherwise relinquish control over its
11 disclosure).

12 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
13 of CPRA recodification). For references to some other bodies of law governing public records, see
14 Section 7920.000 Comment.

15 **§ 7929.420. Trade secrets**

16 7929.420. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
17 this division does not require disclosure of records of the State Compensation
18 Insurance Fund that are trade secrets pursuant to Section 6276.44, or Article 11
19 (commencing with Section 1060) of Chapter 4 of Division 8 of the Evidence Code,
20 including, without limitation, instructions, advice, or training provided by the State
21 Compensation Insurance Fund to its board members, officers, and employees
22 regarding the fund's special investigation unit, internal audit unit, and informational
23 security, marketing, rating, pricing, underwriting, claims handling, audits, and
24 collections.

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

29 **Comment.** Section 7929.420 continues former Section 6254(ad)(5) without substantive change.

30 For guidance on disclosure of other types of records of the State Compensation Insurance Fund,
31 see Sections 7929.400-7929.415, 7929.425, 7929.430. For some of the laws generally governing
32 access to medical records and other health care information, see Sections 7926.000-7926.500; see
33 also Sections 7927.700 (personnel, medical, and similarly private files), 7929.600 (results of test
34 in DMV study of physical or mental factors affecting driving ability). For other provisions on
35 access to trade secrets, see Sections 7924.305 (data submitted to Director of Pesticide Regulation
36 and designated as trade secret), 7924.510 (pollution information generally); see also Section
37 7920.545 ("trade secret").

38 For other special rules in the California Public Records Act ("CPRA") that apply to specific
39 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
40 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
41 exemptions).

42 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
43 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
44 procedural rules governing requests for public records and related matters, see Sections 7922.500-
45 7922.725; see also Sections 7923.000-7923.510 (enforcement).

46 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
47 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
48 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010

1 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
2 disclosure).

3 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
4 of CPRA recodification). For references to some other bodies of law governing public records, see
5 Section 7920.000 Comment.

6 **§ 7929.425. Internal audits and related records**

7 7929.425. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
8 this division does not require disclosure of internal audits of the State Compensation
9 Insurance Fund containing proprietary information, or the following records of the
10 State Compensation Insurance Fund that are related to an internal audit:

11 (1) Personal papers and correspondence of any person providing assistance to the
12 fund when that person has requested in writing that the person’s papers and
13 correspondence be kept private and confidential. Those papers and correspondence
14 shall become public records if the written request is withdrawn, or upon order of the
15 fund.

16 (2) Papers, correspondence, memoranda, or any substantive information
17 pertaining to any audit not completed or an internal audit that contains proprietary
18 information.

19 (b) Notwithstanding subdivision (a), the portions of records containing
20 proprietary information, or any information specified in subdivision (a), shall be
21 available for review by the Joint Legislative Audit Committee, California State
22 Auditor’s Office, Division of Workers’ Compensation, and the Department of
23 Insurance to ensure compliance with applicable law.

24 **Comment.** Section 7929.425 continues former Section 6254(ad)(6) without substantive change.

25 For guidance on disclosure of other types of records of the State Compensation Insurance Fund,
26 see Sections 7929.400-7929.420, 7929.430. For some of the laws generally governing access to
27 medical records and other health care information, see Sections 7926.000-7926.500; see also
28 Sections 7927.700 (personnel, medical, and similarly private files), 7929.600 (results of test in
29 DMV study of physical or mental factors affecting driving ability). For guidance on access to an
30 agency contract requiring a private entity to review, audit, or report on that agency, see Section
31 7928.700.

32 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
33 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
34 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
35 exemptions).

36 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
37 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
38 procedural rules governing requests for public records and related matters, see Sections 7922.500-
39 7922.725; see also Sections 7923.000-7923.510 (enforcement).

40 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
41 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
42 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
43 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
44 disclosure).

45 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
46 of CPRA recodification). For references to some other bodies of law governing public records, see
47 Section 7920.000 Comment.

48 See Sections 7920.520 (“person”), 7920.530 (“public records”), 7920.550 (“writing”).

1 § 7929.430. Contracts pursuant to chapter governing State Compensation Insurance Fund

2 7929.430. (a) For purposes of this section, “fully executed” means the point in
3 time when all of the necessary parties to a contract have signed the contract.

4 (b) Except as provided in subdivision (d), records of the State Compensation
5 Insurance Fund that are contracts entered into pursuant to Chapter 4 (commencing
6 with Section 11770) of Part 3 of Division 2 of the Insurance Code shall be open to
7 inspection one year after the contract has been fully executed.

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

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

14 (e) Notwithstanding any other law, the entire contract or amendment to a contract
15 shall be open to inspection by the Joint Legislative Audit Committee. The
16 committee shall maintain the confidentiality of the contract or amendment thereto
17 until the contract or amendment is open to inspection pursuant to this section.

18 (f) This section does not apply to a document related to a contract with a public
19 entity that is not otherwise expressly confidential as to that public entity.

20 **Comment.** Section 7929.430 continues former Section 6254(ad)(7) without substantive change.
21 See Section 13 (singular includes plural and vice versa).

22 For guidance on disclosure of other types of records of the State Compensation Insurance Fund,
23 see Sections 7929.400-7929.425. For some of the laws generally governing access to medical
24 records and other health care information, see Sections 7926.000-7926.500; see also Sections
25 7927.700 (personnel, medical, and similarly private files), 7929.600 (results of test in DMV study
26 of physical or mental factors affecting driving ability).

27 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
28 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
29 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
30 exemptions).

31 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
32 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
33 procedural rules governing requests for public records and related matters, see Sections 7922.500-
34 7922.725; see also Sections 7923.000-7923.510 (enforcement).

35 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
36 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
37 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
38 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
39 disclosure).

40 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
41 of CPRA recodification). For references to some other bodies of law governing public records, see
42 Section 7920.000 Comment.

1 CHAPTER 19. TEST MATERIALS, TEST RESULTS, AND RELATED
2 MATTERS

3 **§ 7929.600. Results of test in DMV study of physical or mental factors affecting driving**
4 **ability**

5 7929.600. Nothing in this division requires the disclosure of the results of a test
6 undertaken pursuant to Section 12804.8 of the Vehicle Code.

7 **Comment.** Section 7929.600 continues former Section 6254.1(c) without substantive change.

8 For some of the laws generally governing access to medical records and other health care
9 information, see Sections 7926.000-7926.500; see also Sections 7927.700 (personnel, medical, and
10 similarly private files), 7929.400-7929.430 (records of State Compensation Insurance Fund).

11 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
12 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
13 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
14 exemptions).

15 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
16 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
17 procedural rules governing requests for public records and related matters, see Sections 7922.500-
18 7922.725; see also Sections 7923.000-7923.510 (enforcement).

19 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
20 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
21 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
22 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
23 disclosure).

24 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
25 of CPRA recodification). For references to some other bodies of law governing public records, see
26 Section 7920.000 Comment.

27 **§ 7929.605. Materials used to administer licensing, employment, or academic examination**

28 7929.605. Except as provided in Sections 7924.510, 7924.700, and 7927.605, and
29 in Chapter 3 (commencing with Section 99150) of Part 65 of Division 14 of Title 3
30 of the Education Code, this division does not require disclosure of test questions,
31 scoring keys, and other examination data used to administer a licensing
32 examination, examination for employment, or academic examination.

33 **Comment.** Section 7929.605 continues former Section 6254(g) without substantive change.

34 For further guidance on disclosure of materials used to administer academic examinations, see
35 Section 7929.610 (disclosure of public school statewide test materials to legislative or executive
36 branch). For other special rules in the California Public Records Act (“CPRA”) that apply to
37 specific types of public records, see Sections 7923.600-7929.600; see also Sections 7922.000
38 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

39 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
40 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
41 procedural rules governing requests for public records and related matters, see Sections 7922.500-
42 7922.725; see also Sections 7923.000-7923.510 (enforcement).

43 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
44 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
45 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
46 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
47 disclosure).

1 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
2 of CPRA recodification). For references to some other bodies of law governing public records, see
3 Section 7920.000 Comment.

4 **§ 7929.610. Disclosure of public school statewide test materials to legislative or executive**
5 **branch**

6 7929.610. (a) Notwithstanding the provisions listed in Section 7920.505, upon the
7 request of any Member of the Legislature or upon request of the Governor or the
8 Governor’s designee, test questions or materials that would be used to administer
9 an examination and are provided by the State Department of Education and
10 administered as part of a statewide testing program of pupils enrolled in the public
11 schools shall be disclosed to the requester.

12 (b) The questions or materials described in subdivision (a) may not include an
13 individual examination that has been administered to a pupil and scored.

14 (c) The requester may not take physical possession of the questions or materials
15 described in subdivision (a), but may view the questions or materials at a location
16 selected by the department.

17 (d) Upon viewing this information, the requester shall keep the materials that the
18 requester has seen confidential.

19 **Comment.** Section 7929.610 continues former Section 6254.13 without substantive change.

20 For additional guidance on disclosure of materials used to administer academic examinations,
21 see Section 7929.605.

22 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
23 types of public records, see Sections 7923.600-7929.600; see also Sections 7922.000 (CPRA catch-
24 all exemption), 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

25 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
26 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
27 procedural rules governing requests for public records and related matters, see Sections 7922.500-
28 7922.725; see also Sections 7923.000-7923.510 (enforcement).

29 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For basic
30 rules protecting access to public records under the CPRA, see Sections 7922.525 (inspection of
31 public record) and 7922.530 (copy of public record); see also Sections 7921.005 and 7921.010
32 (restricting agency’s ability to transfer public record or otherwise relinquish control over its
33 disclosure).

34 For the effect of the CPRA, see Section 7920.200; see also Sections 7920.100-7920.120 (effect
35 of CPRA recodification). For references to some other bodies of law governing public records, see
36 Section 7920.000 Comment.

37 **PART 6. OTHER EXEMPTIONS FROM**
38 **DISCLOSURE**

39 **CHAPTER 1. INTRODUCTORY PROVISIONS**

40 **§ 7930.000. Legislative intent and instructions**

41 7930.000. (a) It is the intent of the Legislature to assist members of the public and
42 state and local agencies in identifying exemptions to the California Public Records

1 Act. It is the intent of the Legislature that, after January 1, 1999, each addition or
2 amendment to a statute that exempts any information contained in a public record
3 from disclosure pursuant to Section 7927.705 shall be listed and described in
4 Chapter 2 (commencing with Section 7930.100) pursuant to a bill authorized by a
5 standing committee of the Legislature to be introduced during the first year of each
6 session of the Legislature.

7 (b) The statutes and constitutional provisions listed in Chapter 2 (commencing
8 with Section 7930.100) may operate to exempt certain records, or portions thereof,
9 from disclosure. The statutes and constitutional provisions listed and described may
10 not be inclusive of all exemptions. The listing of a statute or constitutional provision
11 in Chapter 2 (commencing with Section 7930.100) does not itself create an
12 exemption. Requesters of public records and public agencies are cautioned to review
13 the applicable statute or constitutional provision to determine the extent to which it,
14 in light of the circumstances surrounding the request, exempts public records from
15 disclosure.

16 **Comment.** Section 7930.000 continues former Section 6275 without substantive change.

17 For additional guidance on using the alphabetical index in the next chapter (Sections 7930.100-
18 7930.215), see Section 7930.005 (scope and effect of index). For special rules in the California
19 Public Records Act (“CPRA”) that apply to specific types of public records, see Sections 7923.600-
20 7929.600. For the CPRA catch-all exemption, see Section 7922.000.

21 See Sections 7920.505 (“local agency”), 7920.510 (“member of the public”), 7920.525 (“public
22 records”), 7920.535 (“state agency”).

23 **§ 7930.005. Scope and effect of index**

24 7930.005. Records or information not required to be disclosed pursuant to Section
25 7927.705 may include, but shall not be limited to, records or information identified
26 in statutes listed in Chapter 2 (commencing with Section 7930.100).

27 **Comment.** Section 7930.005 continues former Section 6276 without substantive change.

28 For additional guidance on using the alphabetical index in the next chapter (Sections 7930.100-
29 7930.215), see Section 7930.000 (legislative intent and instructions). For special rules in the
30 California Public Records Act (“CPRA”) that apply to specific types of public records, see Sections
31 7923.600-7929.600. For the CPRA catch-all exemption, see Section 7922.000.

32 CHAPTER 2. INDEX

33 **Note.** Existing Sections 6276.01-6276.48 comprise an alphabetical list of CPRA exemptions
34 located throughout the codes. This chapter (proposed Sections 7930.100-7930.215) would recodify
35 that list in the same alphabetical format.

36 Would some other format be more user-friendly? For example, would it be preferable to group
37 the exemptions by subject matter, as in the partial redraft attached to CLRC Staff Memorandum
38 2019-25 (available at <http://www.clrc.ca.gov/pub/2019/MM19-25.pdf>)? Is there a better
39 possibility?

40 For further discussion of this organizational issue, see CLRC Staff Memorandum 2019-25, pp.
41 1-9.

42 **The Commission welcomes input on any aspect of its proposed recodification, but it would
43 especially appreciate public comment on this matter.**

1 **§ 7930.100. Constitutionally-based exemption**

2 7930.100. The following constitutional provision may operate to exempt certain
3 records, or portions thereof, from disclosure pursuant to this division:

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

6 **Comment.** Section 7930.100 continues former Section 6276.01 without substantive change. For
7 the source of the introductory clause, see the third sentence of former Section 6275 ("The statutes
8 and constitutional provisions listed in this article may operate to exempt certain records, or portions
9 thereof, from disclosure."). That sentence is continued without substantive change in Section
10 7930.000 and essentially repeated in each section in this chapter.

11 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
12 7930.005 (scope and effect of index). For special rules in the California Public Records Act
13 ("CPRA") that apply to specific types of public records, see Sections 7923.600-7929.600. For the
14 CPRA catch-all exemption, see Section 7922.000.

15 **§ 7930.105. From "Acquired Immune Deficiency Syndrome" to "Advance Health Care**
16 **Directive Registry"**

17 7930.105. The following provisions may operate to exempt certain records, or
18 portions thereof, from disclosure pursuant to this division:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 Advance Health Care Directive Registry, exemption from disclosure for
22 registration information provided to the Secretary of State, Section 7926.100.

23 **Comment.** Section 7930.105 continues former Section 6276.02 without substantive change. For
24 the source of the introductory clause, see the third sentence of former Section 6275 ("The statutes
25 and constitutional provisions listed in this article may operate to exempt certain records, or portions
26 thereof, from disclosure."). That sentence is continued without substantive change in Section
27 7930.000 and essentially repeated in each section in this chapter.

28 Former Section 6276.02 included an entry for: "Acquired Immune Deficiency Syndrome,
29 confidentiality of test results of person convicted of prostitution, Section 1202.6, Penal Code." That
30 entry is not included in Section 7930.105 because it is obsolete. Penal Code Section 1202.6 was
31 repealed and added in 2017, and the new provision has nothing to do with confidentiality of AIDS
32 test results. See 2017 Cal. Stat. ch. 537, § 17.

33 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
34 7930.005 (scope and effect of index). For special rules in the California Public Records Act
35 ("CPRA") that apply to specific types of public records, see Sections 7923.600-7929.600. For the
36 CPRA catch-all exemption, see Section 7922.000.

37 **Note.** Existing Section 6276.02 includes an entry for: "Acquired Immune Deficiency Syndrome,
38 confidentiality of test results of person convicted of prostitution, Section 1202.6, Penal Code." However,
39 Penal Code Section 1202.6 was recently repealed and added, and the new provision has
40 nothing to do with confidentiality of AIDS test results. See 2017 Cal. Stat. ch. 537, § 17.

41 The Commission is not aware of any new provision that continues the substance of the repealed
42 section. Thus, (1) proposed Section 7930.105 would not include the entry quoted above, and (2)
43 the accompanying Comment would explain this omission.

44 This drafting approach does not pose any risk of a substantive change, because the list of
45 exemptions in this chapter is just an aid for CPRA users (not substantive law) and it does not purport
46 to be exhaustive. See proposed Sections 7930.000 and 7930.005 (existing Sections 6275 and 6276).

1 If there is a replacement for former Penal Code Section 1202.6 (1996 Cal. Stat. 1023, § 392),
2 however, it would be helpful to list it in proposed Section 7930.005. Does such a replacement exist?

3 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
4 **especially appreciate public comment on this matter.**

5 **§ 7930.110. From “Aeronautics Act” to “Avocado handler transaction records”**

6 7930.110. The following provisions may operate to exempt certain records, or
7 portions thereof, from disclosure pursuant to this division:

8 Aeronautics Act, reports of investigations and hearings, Section 21693, Public
9 Utilities Code.

10 Agricultural producers marketing, access to records, Section 59616, Food and
11 Agricultural Code.

12 Aiding disabled voters, Section 14282, Elections Code.

13 Air pollution data, confidentiality of trade secrets, Section 6254.7, and Sections
14 42303.2 and 43206, Health and Safety Code.

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

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

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

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

23 Apiary registration information, confidentiality of, Section 29041, Food and
24 Agricultural Code.

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

27 Arrest not resulting in conviction, disclosure or use of records, Sections 432.7 and
28 432.8, Labor Code.

29 Arsonists, registered, confidentiality of certain information, Section 457.1, Penal
30 Code.

31 Artificial insemination, donor not natural father, confidentiality of records,
32 Section 7613, Family Code.

33 Assessor’s records, confidentiality of information in, Section 408, Revenue and
34 Taxation Code.

35 Assessor’s records, confidentiality of information in, Section 451, Revenue and
36 Taxation Code.

37 Assessor’s records, display of documents relating to business affairs or property
38 of another, Section 408.2, Revenue and Taxation Code.

39 Assigned risk plans, rejected applicants, confidentiality of information, Section
40 11624, Insurance Code.

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

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

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

5 Attorney, disciplinary proceedings, confidentiality prior to formal proceedings,
6 Section 6086.1, Business and Professions Code.

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

9 Attorney, law corporation, investigation by State Bar, confidentiality of, Section
10 6168, Business and Professions Code.

11 Attorney work product confidentiality in administrative adjudication, Section
12 11507.6.

13 Attorney, work product, confidentiality of, Section 6202, Business and
14 Professions Code.

15 Attorney work product, discovery, Chapter 4 (commencing with Section
16 2018.010) of Title 4 of Part 4 of the Code of Civil Procedure.

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

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

21 Automobile Insurance Claims Depository, confidentiality of information, Section
22 1876.3, Insurance Code.

23 Automobile insurance, investigation of fraudulent claims, confidential
24 information, Section 1872.8, Insurance Code.

25 Avocado handler transaction records, confidentiality of information, Section
26 44984, Food and Agricultural Code.

27 **Comment.** Section 7930.110 continues former Section 6276.04 without substantive change. For
28 the source of the introductory clause, see the third sentence of former Section 6275 (“The statutes
29 and constitutional provisions listed in this article may operate to exempt certain records, or portions
30 thereof, from disclosure.”). That sentence is continued without substantive change in Section
31 7930.000 and essentially repeated in each section in this chapter.

32 Former Section 6276.04 included an entry for: “Auditor General, access to records for audit
33 purposes, Sections 10527 and 10527.1.” Former Section 6276.04 also included an entry for:
34 “Auditor General, disclosure of audit records, Section 10525.” Those entries are not included in
35 Section 7930.110 because they are obsolete. Sections 10525, 10527, and 10527.1 have been
36 repealed. See 2011 Cal. Stat. ch. 328, § 12.

37 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
38 7930.005 (scope and effect of index). For special rules in the California Public Records Act
39 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
40 CPRA catch-all exemption, see Section 7922.000.

41 **Note.** Section 6276.04 includes an entry for: “Auditor General, access to records for audit purposes,
42 Sections 10527 and 10527.1.” Section 6276.04 also includes an entry for: “Auditor General,
43 disclosure of audit records, Section 10525.” However, Sections 10525, 10527, and 10527.1 have
44 been repealed. See 2011 Cal. Stat. ch. 328, § 12.

1 The Commission is not aware of any new provision that continues the substance of any of the
2 repealed sections. Thus, (1) proposed Section 7930.110 would not include the entries quoted above,
3 and (2) the accompanying Comment would explain this omission.

4 This drafting approach does not pose any risk of a substantive change, because the list of
5 exemptions in this chapter is just an aid for CPRA users (not substantive law) and it does not purport
6 to be exhaustive. See proposed Sections 7930.000 and 7930.005 (existing Sections 6275 and 6276).

7 If there is a replacement for former Section 10525, 10527, or 10527.1, however, it would be
8 helpful to list it in proposed Section 7930.110. Does any such replacement exist?

9 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
10 **especially appreciate public comment on this matter.**

11 **§ 7930.115. From “Bank and Corporation Tax” to “Business and professions licensee**
12 **exemption for social security number”**

13 7930.115. The following provisions may operate to exempt certain records, or
14 portions thereof, from disclosure pursuant to this division:

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

17 Bank employees, confidentiality of criminal history information, Section 4990,
18 Financial Code.

19 Bank reports, confidentiality of, Section 459, Financial Code.

20 Basic Property Insurance Inspection and Placement Plan, confidential reports,
21 Section 10097, Insurance Code.

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

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

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

27 Birth defects, monitoring, confidentiality of information collected, Section
28 103850, Health and Safety Code.

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

31 Blood tests, confidentiality of hepatitis and AIDS carriers, Section 1603.1, Health
32 and Safety Code.

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

35 Business and professions licensee exemption for social security number, Section
36 30, Business and Professions Code.

37 **Comment.** Section 7930.115 continues former Section 6276.06 without substantive change. For
38 the source of the introductory clause, see the third sentence of former Section 6275 (“The statutes
39 and constitutional provisions listed in this article may operate to exempt certain records, or portions
40 thereof, from disclosure.”). That sentence is continued without substantive change in Section
41 7930.000 and essentially repeated in each section in this chapter.

42 Former Section 6276.06 included an entry for: “Bank employees, confidentiality of criminal
43 history information, Sections 777.5 and 4990, Financial Code.” That entry has been revised to refer
44 only to Financial Code Section 4990. The reference to Financial Code Section 777.5 is obsolete
45 because that section has been repealed. See 2008 Cal. Stat. ch. 125, § 53.

1 Former Section 6276.06 also included an entry for: “Bank reports, confidentiality of, Section
2 289, Financial Code.” That entry has been revised because Financial Code Section 289 was
3 repealed and its substance moved to Financial Code Section 459. See 2011 Cal. Stat. ch. 243, § 1;
4 *compare* 2008 Cal. Stat. ch. 501, § 9 *with* Fin. Code § 459. Section 7930.115 thus refers to Financial
5 Code Section 459, instead of Financial Code Section 289.

6 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
7 7930.005 (scope and effect of index). For the CPRA catch-all exemption, see Section 7922.000.

8 **Notes.**

9 (1) Section 6276.06 includes an entry for: “Bank employees, confidentiality of criminal history
10 information, Sections 777.5 and 4990, Financial Code.” However, Financial Code Section 777.5
11 has been repealed. See 2008 Cal. Stat. ch. 125, § 53.

12 The Commission is not aware of any new provision that continues the substance of the repealed
13 section. Thus, proposed Section 7930.115 would include the entry quoted above, but it would only
14 refer to Financial Code Section 4990. The accompanying Comment would explain the omission of
15 Financial Code Section 777.5.

16 This drafting approach does not pose any risk of a substantive change, because the list of
17 exemptions in this chapter is just an aid for CPRA users (not substantive law) and it does not purport
18 to be exhaustive. See proposed Sections 7930.000 and 7930.005 (existing Sections 6275 and 6276).

19 If there is a replacement for former Section 777.5, however, it would be helpful to list it in
20 proposed Section 7930.115. Does any such replacement exist?

21 (2) Section 6276.06 also includes an entry for: “Bank reports, confidentiality of, Section 289,
22 Financial Code.” However, Financial Code Section 289 has been repealed (see 2011 Cal. Stat. ch.
23 243, § 1). Its substance has been moved to Financial Code Section 459 (*compare* 2008 Cal. Stat.
24 ch. 501, § 9 *with* Fin. Code § 459). Accordingly, proposed Section 7930.115 would refer to
25 Financial Code Section 459, instead of Financial Code Section 289.

26 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
27 **especially appreciate public comment on these matters.**

28 **§ 7930.120. From “Cable television subscriber information” to “California Wine Grape**
29 **Commission”**

30 7930.120. The following provisions may operate to exempt certain records, or
31 portions thereof, from disclosure pursuant to this division:

32 Cable television subscriber information, confidentiality of, Section 637.5, Penal
33 Code.

34 CalFresh, disclosure of information, Section 18909, Welfare and Institutions
35 Code.

36 California AIDS Program, personal data, confidentiality, Section 120820, Health
37 and Safety Code.

38 California Apple Commission, confidentiality of lists of persons, Section 75598,
39 Food and Agricultural Code.

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

42 California Asparagus Commission, confidentiality of lists of producers, Section
43 78262, Food and Agricultural Code.

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

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

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

5 California Cherry Commission, confidentiality of proprietary information from
6 producers, processors, shippers, or grower-handlers, Section 76144, Food and
7 Agricultural Code.

8 California Children’s Services Program, confidentiality of factor replacement
9 therapy contracts, Section 123853, Health and Safety Code.

10 California Cut Flower Commission, confidentiality of lists of producers, Section
11 77963, Food and Agricultural Code.

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

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

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

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

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

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

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

26 California Navel Orange Commission, confidentiality of proprietary information
27 from producers or handlers and lists of producers and handlers, Section 73257, Food
28 and Agricultural Code.

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

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

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

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

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

39 California Seafood Council, confidentiality of fee transaction records, Section
40 78553, Food and Agricultural Code.

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

1 California Sheep Commission, confidentiality of proprietary information from
2 producers or handlers and lists of producers, Section 76343, Food and Agricultural
3 Code.

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

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

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

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

13 California Tomato Commission, confidentiality of proprietary information,
14 Section 78704, Food and Agricultural Code.

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

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

20 California Walnut Commission, confidentiality of lists of producers, Section
21 77101, Food and Agricultural Code.

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

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

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

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

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

32 **Comment.** Section 7930.120 continues former Section 6276.08 without substantive change. For
33 the source of the introductory clause, see the third sentence of former Section 6275 (“The statutes
34 and constitutional provisions listed in this article may operate to exempt certain records, or portions
35 thereof, from disclosure.”). That sentence is continued without substantive change in Section
36 7930.000 and essentially repeated in each section in this chapter.

37 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
38 7930.005 (scope and effect of index). For special rules in the California Public Records Act
39 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
40 CPRA catch-all exemption, see Section 7922.000.

41 **§ 7930.125. From “Cancer registries” to “Community college employee”**

42 7930.125. The following provisions may operate to exempt certain records, or
43 portions thereof, from disclosure pursuant to this division:

1 Cancer registries, confidentiality of information, Section 103885, Health and
2 Safety Code.

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

5 Child abuse information, exchange by multidisciplinary personnel teams, Section
6 830, Welfare and Institutions Code.

7 Child abuse report and those making report, confidentiality of, Sections 11167
8 and 11167.5, Penal Code.

9 Child care liability insurance, confidentiality of information, Section 1864,
10 Insurance Code.

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

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

13 Child day care facility, nondisclosure of complaint, Section 1596.853, Health and
14 Safety Code.

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

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

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

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

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

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

25 Cigarette tax, confidential information, Section 30455, Revenue and Taxation
26 Code.

27 Civil actions, delayed disclosure for 30 days after complaint filed, Section
28 482.050, Code of Civil Procedure.

29 Closed sessions, document assessing vulnerability of state or local agency to
30 disruption by terrorist or other criminal acts, Section 7929.200.

31 Closed sessions, meetings of local governments, pending litigation, Section
32 54956.9.

33 Colorado River Board, confidential information and records, Section 12519,
34 Water Code.

35 Commercial fishing licensee, confidentiality of records, Section 7923, Fish and
36 Game Code.

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

38 Community care facilities, confidentiality of client information, Section 1557.5,
39 Health and Safety Code.

40 Community college employee, candidate examination records, confidentiality of,
41 Section 88093, Education Code.

42 Community college employee, notice and reasons for nonreemployment,
43 confidentiality, Section 87740, Education Code.

1 **Comment.** Section 7930.125 continues former Section 6276.10 without substantive change. For
2 the source of the introductory clause, see the third sentence of former Section 6275 (“The statutes
3 and constitutional provisions listed in this article may operate to exempt certain records, or portions
4 thereof, from disclosure.”). That sentence is continued without substantive change in Section
5 7930.000 and essentially repeated in each section in this chapter.

6 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
7 7930.005 (scope and effect of index). For special rules in the California Public Records Act
8 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
9 CPRA catch-all exemption, see Section 7922.000.

10 **Note.** Section 6276.10 includes an entry for: “Community care facilities, confidentiality of client
11 information, Section 1557.5, Health and Safety Code.” There are two, almost identical versions of
12 Section 1557.5 in the Health and Safety Code. Because the two sections are almost identical, it is
13 not necessary to differentiate between them. Like existing Section 6276.10, proposed Section
14 7930.125 would simply refer to “Section 1557.5, Health and Safety Code.”

15 **§ 7930.130. From “Conservatee” to “Customer list of telephone answering service”**

16 7930.130. The following provisions may operate to exempt certain records, or
17 portions thereof, from disclosure pursuant to this division:

18 6276.12. Conservatee, confidentiality of the conservatee’s report, Section 1826,
19 Probate Code.

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

21 Conservatee with disability, confidentiality of report, Section 1827.5, Probate
22 Code.

23 Conservator, confidentiality of conservator’s birthdate and driver’s license
24 number, Section 1834, Probate Code.

25 Conservator, supplemental information, confidentiality of, Section 1821, Probate
26 Code.

27 Conservatorship, court review of, confidentiality of report, Section 1851, Probate
28 Code.

29 Consumer fraud investigations, access to complaints and investigations, Section
30 26509.

31 Consumption or utilization of mineral materials, disclosure of, Section 2207.1,
32 Public Resources Code.

33 Contractor, evaluations and contractor responses, confidentiality of, Section
34 10370, Public Contract Code.

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

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

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

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

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

43 County alcohol programs, confidential information and records, Section 11812,
44 Health and Safety Code.

1 County Employees' Retirement, confidential statements and records, Section
2 31532.

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

5 County social services, investigation of applicant, confidentiality, Section 18491,
6 Welfare and Institutions Code.

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

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

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

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

16 Court files, access to, restricted for 60 days, Section 1708.85, Civil Code.

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

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

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

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

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

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

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

30 Crop reports, confidential, Section 7927.300.

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

34 Customer list of employment agency, trade secret, Section 16607, Business and
35 Professions Code.

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

38 **Comment.** Section 7930.130 continues former Section 6276.12 without substantive change. For
39 the source of the introductory clause, see the third sentence of former Section 6275 ("The statutes
40 and constitutional provisions listed in this article may operate to exempt certain records, or portions
41 thereof, from disclosure."). That sentence is continued without substantive change in Section
42 7930.000 and essentially repeated in each section in this chapter.

43 Former Section 6276.12 included an entry for: "Contractor, license applicants, evidence of
44 financial solvency, confidentiality of, Section 7067.5, Business and Professions Code." That entry

1 is not included in Section 7930.130 because it is obsolete. Business and Professions Code Section
2 7067.5 has been repealed. See 2015 Cal. Stat. ch. 656, § 8.

3 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
4 7930.005 (scope and effect of index). For special rules in the California Public Records Act
5 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
6 CPRA catch-all exemption, see Section 7922.000.

7 **Note.** Section 6276.12 includes an entry for: “Contractor, license applicants, evidence of financial
8 solvency, confidentiality of, Section 7067.5, Business and Professions Code.” However, Business
9 and Professions Code Section 7067.5 has been repealed. See 2015 Cal. Stat. ch. 656, § 8.

10 There does not appear to be any replacement; former Section 7067.5’s requirement to submit
11 evidence of financial solvency seems to have been eliminated in the bill that repealed the section
12 and increased the amount of the required bond. Thus, (1) proposed Section 7930.130 would not
13 include the entry quoted above, and (2) the accompanying Comment would explain this omission.

14 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
15 **especially appreciate public comment on this matter.**

16 **§ 7930.135. From “Dairy Council of California” to “Driving school and driving instructor**
17 **licensee records”**

18 7930.135. The following provisions may operate to exempt certain records, or
19 portions thereof, from disclosure pursuant to this division:

20 Dairy Council of California, confidentiality of ballots, Section 64155, Food and
21 Agricultural Code.

22 Death, report that physician’s or podiatrist’s negligence or incompetence may be
23 cause, confidentiality of, Section 802.5, Business and Professions Code.

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

26 Dentist advertising and referral contract exemption, Section 650.2, Business and
27 Professions Code.

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

30 Department of Consumer Affairs licensee exemption for alcohol or dangerous
31 drug treatment and rehabilitation records, Section 156.1, Business and Professions
32 Code.

33 Department of Human Resources, confidentiality of pay data furnished to, Section
34 19826.5.

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

37 Department of Motor Vehicles, confidentiality of the home address of specified
38 persons in the records of the Department of Motor Vehicles, Section 1808.6, Vehicle
39 Code.

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

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

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

4 Developmentally disabled person, confidentiality of patient records, state
5 agencies, Section 4552.5, Welfare and Institutions Code.

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

8 Diesel Fuel Tax information, disclosure prohibited, Section 60609, Revenue and
9 Taxation Code.

10 Disability compensation, confidential medical records, Section 2714,
11 Unemployment Insurance Code.

12 Disability insurance, access to registered information, Section 789.7, Insurance
13 Code.

14 Discrimination complaint to Division of Labor Standards Enforcement,
15 confidentiality of witnesses, Section 98.7, Labor Code.

16 Dispute resolution participants confidentiality, Section 471.5, Business and
17 Professions Code.

18 Division of Workers' Compensation, confidentiality of data obtained by the
19 administrative director and derivative works created by the division, Sections
20 3201.5, 3201.7, and 3201.9, Labor Code.

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

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

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

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

30 Domestic violence counselor and victim, confidentiality of communication,
31 Sections 1037.2 and 1037.5, Evidence Code.

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

34 Driving school and driving instructor licensee records, confidentiality of, Section
35 11108, Vehicle Code.

36 **Comment.** Section 7930.135 continues former Section 6276.14 without substantive change. For
37 the source of the introductory clause, see the third sentence of former Section 6275 ("The statutes
38 and constitutional provisions listed in this article may operate to exempt certain records, or portions
39 thereof, from disclosure."). That sentence is continued without substantive change in Section
40 7930.000 and essentially repeated in each section in this chapter.

41 Former Section 6276.14 included an entry for: "Developmentally disabled person,
42 confidentiality of patient records, state agencies, Section 4553, Welfare and Institutions Code."
43 That entry has been revised because Welfare and Institutions Code Section 4553 was repealed in
44 2002 and replaced by a new provision that has nothing to do with record disclosure (see 2002 Cal.
45 Stat. ch. 676, § 21). The substance of the repealed provision was moved to Welfare and Institutions

1 Code Section 4552.5 (*compare* 1977 Cal. Stat. ch. 1252, § 550 *with* Welf. & Inst. Code § 4552.5).
2 Section 7930.135 thus refers to Welfare and Institutions Code Section 4552.5, instead of Welfare
3 and Institutions Code Section 4553.

4 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
5 7930.005 (scope and effect of index). For special rules in the California Public Records Act
6 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
7 CPRA catch-all exemption, see Section 7922.000.

8 **Note.** Section 6276.14 includes an entry for: “Developmentally disabled person, confidentiality of
9 patient records, state agencies, Section 4553, Welfare and Institutions Code.” However, Welfare
10 and Institutions Code Section 4553 has been repealed and replaced by a new provision that has
11 nothing to do with record disclosure. See 2002 Cal. Stat. ch. 676, § 21.

12 The substance of the repealed provision has been moved to Welfare and Institutions Code
13 Section 4552.5. *Compare* 1977 Cal. Stat. ch. 1252, § 550 *with* Welf. & Inst. Code § 4552.5.
14 Accordingly, proposed Section 7930.135 would refer to Welfare and Institutions Code Section
15 4552.5, instead of Welfare and Institutions Code Section 4553.

16 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
17 **especially appreciate public comment on this matter.**

18 **§ 7930.140. From “Educational psychologist-patient” to “Executive Department”**

19 7930.140. The following provisions may operate to exempt certain records, or
20 portions thereof, from disclosure pursuant to this division:

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

23 Electronic and appliance repair dealer, service contractor, financial data in
24 applications, Section 7925.010.

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

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

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

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

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

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

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

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

42 Employment Development Department, furnishing materials, Section 307,
43 Unemployment Insurance Code.

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

4 Equal wage rate violation, confidentiality of complaint, Section 1197.5, Labor
5 Code.

6 Equalization, State Board of, prohibition against divulging information, Section
7 15619.

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

10 Escrow agents' confidentiality of reports on violations, Section 17414, Financial
11 Code.

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

14 Estate tax, confidential records and information, Section 14251, Revenue and
15 Taxation Code.

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

17 Executive Department, closed sessions and the record of topics discussed,
18 Sections 11126 and 11126.1.

19 Executive Department, investigations and hearings, confidential nature of
20 information acquired, Section 11183.

21 **Comment.** Section 7930.140 continues former Section 6276.16 without substantive change. For
22 the source of the introductory clause, see the third sentence of former Section 6275 ("The statutes
23 and constitutional provisions listed in this article may operate to exempt certain records, or portions
24 thereof, from disclosure."). That sentence is continued without substantive change in Section
25 7930.000 and essentially repeated in each section in this chapter.

26 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
27 7930.005 (scope and effect of index). For special rules in the California Public Records Act
28 ("CPRA") that apply to specific types of public records, see Sections 7923.600-7929.600. For the
29 CPRA catch-all exemption, see Section 7922.000.

30 **§ 7930.145. From "Family Court" to "Fur dealer licensee"**

31 7930.145. The following provisions may operate to exempt certain records, or
32 portions thereof, from disclosure pursuant to this division:

33 Family Court, records, Section 1818, Family Code.

34 Farm product processor license, confidentiality of financial statements, Section
35 55523.6, Food and Agricultural Code.

36 Farm product processor licensee, confidentiality of grape purchases, Section
37 55601.5, Food and Agricultural Code.

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

40 Financial institutions, issuance of securities, reports and records of state agencies,
41 Section 7929.000.

42 Financial statements of insurers, confidentiality of information received, Section
43 925.3, Insurance Code.

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

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

5 Firearms, centralized list of exempted federal firearms licensees, disclosure of
6 information compiled from, Sections 28475 and 28480, Penal Code.

7 Firearms, centralized list of dealers and licensees, disclosure of information
8 compiled from, Section 26715, Penal Code.

9 Firearm license applications, Sections 7923.800 and 7923.805.

10 Firearm sale or transfer, confidentiality of records, Section 28060, Penal Code.

11 Fishing and hunting licenses, confidentiality of names and addresses contained in
12 records submitted to the Department of Fish and Game to obtain recreational fishing
13 and hunting licenses, Section 1050.6, Fish and Game Code.

14 Foreign marketing of agricultural products, confidentiality of financial
15 information, Section 58577, Food and Agricultural Code.

16 Forest fires, anonymity of informants, Section 4417, Public Resources Code.

17 Foster homes, identifying information, Section 1536, Health and Safety Code.

18 Franchise Tax Board, access to Franchise Tax Board information by the State
19 Department of Social Services, Section 11025, Welfare and Institutions Code.

20 Franchise Tax Board, auditing, confidentiality of, Section 90005.

21 Franchises, applications, and reports filed with Commissioner of Corporations,
22 disclosure and withholding from public inspection, Section 31504, Corporations
23 Code.

24 Fur dealer licensee, confidentiality of records, Section 4041, Fish and Game Code.

25 **Comment.** Section 7930.145 continues former Section 6276.18 without substantive change. For
26 the source of the introductory clause, see the third sentence of former Section 6275 (“The statutes
27 and constitutional provisions listed in this article may operate to exempt certain records, or portions
28 thereof, from disclosure.”). That sentence is continued without substantive change in Section
29 7930.000 and essentially repeated in each section in this chapter.

30 Former Section 6276.19 included an entry for: “Firearms, centralized list of exempted federal
31 firearms licensees, disclosure of information compiled from, Sections 24850 to 24890, inclusive,
32 Penal Code.” That entry has been revised to refer to Penal Code Sections 28475 and 28480. This
33 revision corrects a transposition error (Penal Code §§ 24850-24890 do not exist but Penal Code §§
34 28450-28490 do). The revision also deletes irrelevant material that used to be combined with the
35 pertinent material in a long code section (see former Penal Code § 12083 (2009 Cal. Stat. ch. 334,
36 § 4), which was repealed in 2010 and recodified as Penal Code §§ 28450-28490).

37 Former Section 6276.19 also included an entry for: “Firearms, centralized list of dealers and
38 licensees, disclosure of information compiled from, Sections 26700 to 26915, inclusive, Penal
39 Code.” That entry has been revised to refer only to Penal Code Section 26715. This revision deletes
40 irrelevant material that used to be combined with the pertinent material in a long code section (see
41 former Penal Code § 12071 (2009 Cal. Stat. ch. 335, § 10), which was repealed in 2010 and
42 recodified as Penal Code §§ 26700-26915).

43 Another entry in former Section 6276.19 was for: “Firearm sale or transfer, confidentiality of
44 records, Chapter 5 (commencing with Section 28050) of Division 6 of Title 4 of Part 6, Penal
45 Code.” That entry has been revised to refer only to Penal Code Section 28060. This revision deletes
46 irrelevant material that used to be combined with the pertinent material in a long code section (see
47 former Penal Code § 12082 (2008 Cal. Stat. ch. 699, § 20), which was repealed in 2010 and

1 recodified as Chapter 5 (commencing with Section 28050) of Division 6 of Title 4 of Part 6 of the
2 Penal Code).

3 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
4 7930.005 (scope and effect of index). For special rules in the California Public Records Act
5 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
6 CPRA catch-all exemption, see Section 7922.000.

7 **Notes.**

8 (1) Section 6276.18 includes an entry for: “Firearms, centralized list of exempted federal
9 firearms licensees, disclosure of information compiled from, *Sections 24850 to 24890, inclusive,*
10 *Penal Code.*” (Emphasis added.) The italicized cross-reference is incorrect; there are no such
11 sections in the Penal Code. The numbers were inadvertently transposed in conforming the cross-
12 reference when the Commission’s deadly weapons recodification was enacted. The correct cross-
13 reference is to Penal Code Sections 28450 to 28490, inclusive.

14 However, this should perhaps be shortened to refer only to Penal Code Sections 28475 and
15 28480, because the other code sections in the specified range appear to have nothing to do with
16 record disclosure. They were just included in the Section 6276.18 entry because historically they
17 used to be in the same lengthy code section as the material that is now in Penal Code Sections
18 28475 and 28480.

19 To help persons using the CPRA index focus on pertinent material, proposed Section 7930.145
20 would refer only to Penal Code Sections 28475 and 28480. The accompanying Comment would
21 explain this revision.

22 (2) Section 6276.18 also includes an entry for: “Firearms, centralized list of dealers and
23 licensees, disclosure of information compiled from, Sections 26700 to 26915, inclusive, Penal
24 Code.” This entry should perhaps be shortened to refer only to Penal Code Section 26715, because
25 the other code sections in the specified range appear to have nothing to do with record disclosure.
26 They were just included in the Section 6276.18 entry because historically they used to be in the
27 same lengthy code section as the material that is now in Penal Code Section 26715. To help persons
28 using the exemption index focus on pertinent material, proposed Section 7930.145 would refer only
29 to Penal Code Section 26715.

30 (3) Another entry in Section 6276.18 is for: “Firearm sale or transfer, confidentiality of records,
31 Chapter 5 (commencing with Section 28050) of Division 6 of Title 4 of Part 6, Penal Code.” This
32 entry should perhaps be shortened to refer only to Penal Code Section 28060, because the other
33 code sections in the specified range appear to have nothing to do with record disclosure. They were
34 just included in the Section 6276.18 entry because historically they used to be in the same lengthy
35 code section as the material that is now in Penal Code Section 28060. To help persons using the
36 exemption index focus on pertinent material, proposed Section 7930.145 would refer only to Penal
37 Code Section 28060.

38 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
39 **especially appreciate public comment on these matters.**

40
41 **§ 7930.150. From “Gambling Control Act” to “Guardianship”**

42 7930.150. The following provisions may operate to exempt certain records, or
43 portions thereof, from disclosure pursuant to this division:

44 Gambling Control Act, exemption from disclosure for records of the California
45 Gambling Control Commission and the Department of Justice, Sections 19819 and
46 19821, Business and Professions Code.

47 Genetically Handicapped Persons Program, confidentiality of factor replacement
48 therapy contracts, Section 125191, Health and Safety Code.

1 Governor, correspondence of and to Governor and Governor’s office, Section
2 7928.000.

3 Governor, transfer of public records in control of, restrictions on public access,
4 Sections 7928.005 and 7928.010.

5 Grand jury, confidentiality of request for special counsel, Section 936.7, Penal
6 Code.

7 Grand jury, confidentiality of transcription of indictment or accusation, Section
8 938.1, Penal Code.

9 Group Insurance, public employees, Section 53202.25.

10 Guardianship, confidentiality of report regarding the suitability of the proposed
11 guardian, Section 1543, Probate Code.

12 Guardianship, disclosure of report and recommendation concerning proposed
13 guardianship of person or estate, Section 1513, Probate Code.

14 **Comment.** Section 7930.150 continues former Section 6276.22 without substantive change. For
15 the source of the introductory clause, see the third sentence of former Section 6275 (“The statutes
16 and constitutional provisions listed in this article may operate to exempt certain records, or portions
17 thereof, from disclosure.”). That sentence is continued without substantive change in Section
18 7930.000 and essentially repeated in each section in this chapter.

19 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
20 7930.005 (scope and effect of index). For special rules in the California Public Records Act
21 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
22 CPRA catch-all exemption, see Section 7922.000.

23 **§ 7930.155. From “Hazardous substance tax information” to “Housing authorities”**

24 7930.155. The following provisions may operate to exempt certain records, or
25 portions thereof, from disclosure pursuant to this division:

26 Hazardous substance tax information, prohibition against disclosure, Section
27 43651, Revenue and Taxation Code.

28 Hazardous waste control, business plans, public inspection, Section 25509, Health
29 and Safety Code.

30 Hazardous waste control, notice of unlawful hazardous waste disposal, Section
31 25180.5, Health and Safety Code.

32 Hazardous waste control, trade secrets, disclosure of information, Sections 25512,
33 25512.1 and 25538, Health and Safety Code.

34 Hazardous waste control, trade secrets, procedures for release of information,
35 Section 25358.2, Health and Safety Code.

36 Hazardous waste generator report, protection of trade secrets, Sections 25244.21
37 and 25244.23, Health and Safety Code.

38 Hazardous waste licenseholder disclosure statement, confidentiality of, Section
39 25186.5, Health and Safety Code.

40 Hazardous waste recycling, information clearing house, confidentiality of trade
41 secrets, Section 25170, Health and Safety Code.

42 Hazardous waste recycling, list of specified hazardous wastes, trade secrets,
43 Section 25175, Health and Safety Code.

1 Hazardous waste recycling, trade secrets, confidential nature, Sections 25173 and
2 25180.5, Health and Safety Code.

3 Healing arts licensees, central files, confidentiality, Section 800, Business and
4 Professions Code.

5 Health authorities, special county, confidentiality of records, Sections 14087.35,
6 14087.36, and 14087.38, Welfare and Institutions Code.

7 Health care provider disciplinary proceeding, confidentiality of documents,
8 Section 805.1, Business and Professions Code.

9 Health care service plans, review of quality of care, privileged communications,
10 Sections 1370 and 1380, Health and Safety Code.

11 Health commissions, special county, confidentiality of peer review proceedings,
12 rates of payment, and trade secrets, Section 14087.31, Welfare and Institutions
13 Code.

14 Health facilities, patient's rights of confidentiality, subdivision (c) of Section
15 128745 and Sections 128735, 128736, 128737, 128755, and 128765, Health and
16 Safety Code.

17 Health personnel, data collection by the Office of Statewide Health Planning and
18 Development, confidentiality of information on individual licentiates, Section
19 127780, Health and Safety Code.

20 Health plan governed by a county board of supervisors, exemption from
21 disclosure for records relating to provider rates or payments for a three-year period
22 after execution of the provider contract, Sections 7926.205 and 54956.87.

23 Hereditary Disorders Act, legislative finding and declaration, confidential
24 information, Sections 124975 and 124980, Health and Safety Code.

25 Hereditary Disorders Act, rules, regulations, and standards, breach of
26 confidentiality, Section 124980, Health and Safety Code.

27 HIV, disclosures to blood banks by department or county health officers, Section
28 1603.1, Health and Safety Code.

29 Home address of public employees and officers in Department of Motor Vehicles,
30 records, confidentiality of, Sections 1808.2 and 1808.4, Vehicle Code.

31 Horse racing, horses, blood or urine test sample, confidentiality, Section 19577,
32 Business and Professions Code.

33 Hospital district and municipal hospital records relating to contracts with insurers
34 and service plans, Section 7926.210.

35 Hospital final accreditation report, Section 7926.000.

36 Housing authorities, confidentiality of rosters of tenants, Section 34283, Health
37 and Safety Code.

38 Housing authorities, confidentiality of applications by prospective or current
39 tenants, Section 34332, Health and Safety Code.

40 **Comment.** Section 7930.155 continues former Section 6276.24 without substantive change. For
41 the source of the introductory clause, see the third sentence of former Section 6275 ("The statutes
42 and constitutional provisions listed in this article may operate to exempt certain records, or portions
43 thereof, from disclosure."). That sentence is continued without substantive change in Section
44 7930.000 and essentially repeated in each section in this chapter.

1 Former Section 6276.24 included an entry for: “Hazardous waste control, business plans, public
2 inspection, Section 25506, Health and Safety Code.” That entry has been revised because Health
3 and Safety Code Section 25506 was repealed in 2013 (see 2013 Cal. Stat. § 419, § 2). The current
4 version of Health and Safety Code Section 25506 has nothing to do with record disclosure. The
5 substance of the repealed provision was moved (with revisions) to Health and Safety Code Section
6 25509 (*compare* 1988 Cal. Stat. ch. 1585, § 7 *with* Health & Safety Code § 25509). Section
7 7930.155 thus refers to Health and Safety Code Section 25509, instead of Health and Safety Code
8 Section 25506.

9 Former Section 6276.24 also included an entry for: “Hazardous waste control, trade secrets,
10 disclosure of information, Sections 25511 and 25538, Health and Safety Code.” That entry has been
11 revised because Health and Safety Code Section 25511 was repealed in 2013 (see 2013 Cal. Stat.
12 ch. 419, § 2). The current version of Health and Safety Code Section 25511 has nothing to do with
13 record disclosure. The substance of the repealed provision was moved (with revisions) to Health
14 and Safety Code Sections 25512 and 25512.1 (*compare* 1985 Cal. Stat. ch. 1167, § 1 *with* Health
15 & Safety Code §§ 25512, 25512.1). Section 7930.155 thus refers to Health and Safety Code Section
16 25512 and 25512.1, instead of Health and Safety Code Section 25511.

17 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
18 7930.005 (scope and effect of index). For special rules in the California Public Records Act
19 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
20 CPRA catch-all exemption, see Section 7922.000.

21 **Notes.**

22 (1) Existing Section 6726.24 includes an entry for: “Hazardous waste control, business plans,
23 public inspection, Section 25506, Health and Safety Code.” However, the version of Health and
24 Safety Code Section 25506 relating to record disclosure was repealed in 2013. See 2013 Cal. Stat.
25 § 419, § 2. The current version of Health and Safety Code Section 25506 has nothing to do with
26 record disclosure.

27 The substance of former Health and Safety Code Section 25506 appears to have been moved
28 (with revisions) to Health and Safety Code Section 25509 (*compare* 1988 Cal. Stat. ch. 1585, § 7
29 *with* Health & Safety Code § 25509). Accordingly, proposed Section 7930.155 would refer to
30 Health and Safety Code Section 25509, instead of Health and Safety Code Section 25506.

31 (2) Existing Section 6276.24 includes an entry for: “Hazardous waste control, trade secrets,
32 disclosure of information, Sections 25511 and 25538, Health and Safety Code.” However, the
33 version of Health and Safety Code Section 25511 relating to record disclosure was repealed in
34 2013. See 2013 Cal. Stat. ch. 419, § 2. The current version of Health and Safety Code Section
35 25511 has nothing to do with record disclosure.

36 The substance of former Health and Safety Code Section 25511 appears to have been moved
37 (with revisions) to Health and Safety Code Sections 25512 and 25512.1 (*compare* 1985 Cal. Stat.
38 ch. 1167, § 1 *with* Health & Safety Code §§ 25512, 25512.1). Accordingly, proposed Section
39 7930.155 would refer to Health and Safety Code Sections 25512 and 25512.1, instead of Health
40 and Safety Code Section 25511.

41 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
42 **especially appreciate public comment on these matters.**

43 **§ 7930.160. From “Improper governmental activities reporting” to “Investigative consumer**
44 **reporting agency”**

45 7930.160. The following provisions may operate to exempt certain records, or
46 portions thereof, from disclosure pursuant to this division:

47 Improper governmental activities reporting, confidentiality of identity of person
48 providing information, Section 8547.5.

1 Improper governmental activities reporting, disclosure of information, Section
2 8547.6.

3 Industrial loan companies, confidentiality of financial information, Section
4 18496, Financial Code.

5 Industrial loan companies, confidentiality of investigation and examination
6 reports, Section 18394, Financial Code.

7 Influenza vaccine, trade secret information and information relating to recipient
8 of vaccine, Section 120160, Health and Safety Code.

9 In forma pauperis litigant, rules governing confidentiality of financial
10 information, Section 68633.

11 Infrastructure information, exemption from disclosure for information voluntarily
12 submitted to the Office of Emergency Services, Section 7929.205.

13 In-Home Supportive Services Program, exemption from disclosure for
14 information regarding persons paid by the state to provide in-home supportive
15 services, Section 7926.300.

16 Initiative, referendum, recall, and other petitions, confidentiality of names of
17 signers, Sections 7924.100, 7924.105, and 7924.110.

18 Insurance claims analysis, confidentiality of information, Section 1875.16,
19 Insurance Code.

20 Insurance Commissioner, confidential information, Sections 735.5, 1067.11,
21 1077.3, and 12919, Insurance Code.

22 Insurance Commissioner, informal conciliation of complaints, confidential
23 communications, Section 1858.02, Insurance Code.

24 Insurance Commissioner, information from examination or investigation,
25 confidentiality of, Sections 1215.8, 1433, and 1759.3, Insurance Code.

26 Insurance Commissioner, writings filed with nondisclosure, Section 855,
27 Insurance Code.

28 Insurance fraud reporting, information acquired not part of public record, Section
29 1873.1, Insurance Code.

30 Insurance licensee, confidential information, Section 1666.5, Insurance Code.

31 Insurer application information, confidentiality of, Section 925.3, Insurance
32 Code.

33 Insurer financial analysis ratios and examination synopses, confidentiality of,
34 Section 933, Insurance Code.

35 Department of Resources Recycling and Recovery information, prohibition
36 against disclosure, Section 45982, Revenue and Taxation Code.

37 International wills, confidentiality of registration information filed with the
38 Secretary of State, Section 6389, Probate Code.

39 Intervention in regulatory and ratemaking proceedings, audit of customer seeking
40 and award, Section 1804, Public Utilities Code.

41 Investigation and security records, exemption from disclosure for records of the
42 Attorney General, the Department of Justice, the Office of Emergency Services, and
43 state and local police agencies, Sections 7923.600 to 7923.625, inclusive.

1 Investigative consumer reporting agency, limitations on furnishing an
2 investigative consumer report, Section 1786.12, Civil Code.

3 **Comment.** Section 7930.160 continues former Section 6276.26 without substantive change. For
4 the source of the introductory clause, see the third sentence of former Section 6275 (“The statutes
5 and constitutional provisions listed in this article may operate to exempt certain records, or portions
6 thereof, from disclosure.”). That sentence is continued without substantive change in Section
7 7930.000 and essentially repeated in each section in this chapter.

8 Former Section 6276.26 included an entry for: “Influenza vaccine, trade secret information and
9 information relating to recipient of vaccine, Section 120155, Health and Safety Code.” That entry
10 has been revised because the version of Health and Safety Code Section 120155 relating to trade
11 secrets and record disclosure (2007 Cal. Stat. ch. 130, § 174) was amended and renumbered as
12 Health and Safety Code Section 120160 (see 2015 Cal. Stat. ch. 303, § 347). Section 7930.160 thus
13 refers to Health and Safety Code Section 120160, instead of Health and Safety Code Section
14 1201155.

15 Former Section 6276.26 also included an entry for: “In forma pauperis litigant, rules governing
16 confidentiality of financial information, Section 68511.3.” That entry has been revised because
17 Section 68511.3 was repealed (see 2008 Cal. Stat. ch. 462, § 1). Similar (but not identical) material
18 relating to record disclosure is now located in Section 68633 (*compare* former Section
19 68511.3(a)(4)-(5) & (c)(1) (2006 Cal. Stat. ch. 538, § 326) *with* Section 68633(f)). Proposed
20 Section 7930.160 would thus refer to Section 68633, instead of Section 68511.3.

21 Another entry in former Section 6276.26 was for: “Insurance Commissioner, information from
22 examination or investigation, confidentiality of, Sections 1215.7, 1433, and 1759.3, Insurance
23 Code.” That entry has been revised because the version of Insurance Code Section 1215.7 relating
24 to record disclosure (1969 Cal. Stat. ch. 1275, § 1) was amended and renumbered as Insurance
25 Code Section 1215.8 (see 2012 Cal Stat. ch. 282, § 8). Proposed Section 7930.160 would thus refer
26 to Insurance Code Section 1215.8, instead of Insurance Code Section 1215.7.

27 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
28 7930.005 (scope and effect of index). For special rules in the California Public Records Act
29 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
30 CPRA catch-all exemption, see Section 7922.000.

31 **Notes.**

32 (1) Existing Section 6276.26 includes an entry for: “Influenza vaccine, trade secret information
33 and information relating to recipient of vaccine, Section 120155, Health and Safety Code.”
34 However, the version of Health and Safety Code Section 120155 relating to trade secrets and record
35 disclosure (2007 Cal. Stat. ch. 130, § 174) has been amended and renumbered as Health and Safety
36 Code Section 120160 (see 2015 Cal. Stat. ch. 303, § 347). The current version of Health and Safety
37 Code Section 120155 has nothing to do with record disclosure. Accordingly, proposed Section
38 7930.160 would refer to Health and Safety Code Section 120160, instead of Health and Safety
39 Code Section 120155.

40 (2) Existing Section 6276.26 also includes an entry for: “In forma pauperis litigant, rules
41 governing confidentiality of financial information, Section 68511.3.” However, Section 68511.3
42 has been repealed (see 2008 Cal. Stat. ch. 462, § 1). Similar (but not identical) material relating to
43 record disclosure is now located in Section 68633 (*compare* former Section 68511.3(a)(4)-(5) &
44 (c)(1) (2006 Cal. Stat. ch. 538, § 326) *with* Section 68633(f)). Accordingly, proposed Section
45 7930.160 would refer to Section 68633, instead of Section 68511.3. This drafting approach does
46 not pose any risk of a substantive change, because the list of exemptions in this chapter is just an
47 aid for CPRA users (not substantive law). See proposed Section 7930.000 (existing Section 6275).

48 (3) Another entry in existing Section 6276.26 is for: “Insurance Commissioner, information
49 from examination or investigation, confidentiality of, Sections 1215.7, 1433, and 1759.3, Insurance
50 Code.” However, the current version of Insurance Code Section 1215.7 has nothing to do with
51 record disclosure. The version of Insurance Code Section 1215.7 relating to record disclosure (1969

1 Cal. Stat. ch. 1275, § 1) was amended and renumbered as Insurance Code Section 1215.8 (see 2012
2 Cal Stat. ch. 282, § 8). Accordingly, proposed Section 7930.160 would refer to Insurance Code
3 Section 1215.8, instead of Insurance Code Section 1215.7.

4 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
5 **especially appreciate public comment on these matters.**

6 **§ 7930.165. From “Joint Legislative Ethics Committee” to “Los Angeles County Tourism**
7 **Marketing Commission”**

8 7930.165. The following provisions may operate to exempt certain records, or
9 portions thereof, from disclosure pursuant to this division:

10 Joint Legislative Ethics Committee, confidentiality of reports and records, Section
11 8953.

12 Judicial candidates, confidentiality of communications concerning, Section
13 12011.5.

14 Judicial proceedings, confidentiality of employer records of employee absences,
15 Section 230.2, Labor Code.

16 Jurors’ lists, lists of registered voters and licensed drivers as source for, Section
17 197, Code of Civil Procedure.

18 Juvenile court proceedings to adjudge a person a dependent child of court, sealing
19 records of, Section 389, Welfare and Institutions Code.

20 Juvenile criminal records, dissemination to schools, Section 828.1, Welfare and
21 Institutions Code.

22 Juvenile delinquents, notification of chief of police or sheriff of escape of minor
23 from secure detention facility, Section 1155, Welfare and Institutions Code.

24 Labor dispute, investigation and mediation records, confidentiality of, Section
25 3601.

26 Lanterman-Petris-Short Act, mental health services recipients, confidentiality of
27 information and records, mental health advocate, Sections 5540, 5541, 5542, and
28 5550, Welfare and Institutions Code.

29 Law enforcement vehicles, registration disclosure, Section 5003, Vehicle Code.

30 Legislative Counsel records, Section 7928.100.

31 Library circulation records and other materials, Sections 7925.000 and 7927.105.

32 Life and disability insurers, actuarial information, confidentiality of, Section
33 10489.15, Insurance Code.

34 Litigation, confidentiality of settlement information, Section 68513.

35 Local agency legislative body, closed sessions, disclosure of materials, Section
36 54956.9.

37 Local government employees, confidentiality of records and claims relating to
38 group insurance, Section 53202.25.

39 Local summary criminal history information, confidentiality of, Sections 13300
40 and 13305, Penal Code.

41 Local agency legislative body, closed session, nondisclosure of minute book,
42 Section 54957.2.

1 Local agency legislative body, meeting, disclosure of agenda, Section 54957.5.
2 Long-term health facilities, confidentiality of complaints against, Section 1419,
3 Health and Safety Code.

4 Long-term health facilities, confidentiality of records retained by State
5 Department of Public Health, Section 1439, Health and Safety Code.

6 Los Angeles County Tourism Marketing Commission, confidentiality of
7 information obtained from businesses to determine their assessment, Section
8 13995.108.

9 **Comment.** Section 7930.165 continues former Section 6276.28 without substantive change. For
10 the source of the introductory clause, see the third sentence of former Section 6275 (“The statutes
11 and constitutional provisions listed in this article may operate to exempt certain records, or portions
12 thereof, from disclosure.”). That sentence is continued without substantive change in Section
13 7930.000 and essentially repeated in each section in this chapter.

14 Former Section 6276.28 included an entry for: “Labor dispute, investigation and mediation
15 records, confidentiality of, Section 65, Labor Code.” That entry has been revised because Labor
16 Code Section 65 was repealed (see 2012 Cal. Stat. ch. 46, § 78). The substance of former Labor
17 Code Section 65 was moved to Section 3601 (*compare* former Labor Code Section 65 (1997 Cal.
18 Stat. ch. 772, § 11) *with* Section 3601). Proposed Section 6278.28 would thus refer to Section 3601,
19 instead of Labor Code Section 65.

20 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
21 7930.005 (scope and effect of index). For special rules in the California Public Records Act
22 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
23 CPRA catch-all exemption, see Section 7922.000.

24 **Note.** Existing Section 6276.28 includes an entry for: “Labor dispute, investigation and mediation
25 records, confidentiality of, Section 65, Labor Code.” However, Labor Code Section 65 has been
26 repealed (see 2012 Cal. Stat. ch. 46, § 78). Its substance has been moved to Section 3601 (*compare*
27 former Labor Code Section 65 (1997 Cal. Stat. ch. 772, § 11) *with* Section 3601). Accordingly,
28 proposed Section 6278.28 would refer to Section 3601, instead of Labor Code Section 65.

29 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
30 **especially appreciate public comment on this matter.**

31 **§ 7930.170. From “Managed health care plans” to “Multijurisdictional drug law**
32 **enforcement agency”**

33 7930.170. The following provisions may operate to exempt certain records, or
34 portions thereof, from disclosure pursuant to this division:

35 Managed Risk Medical Insurance Board, negotiations with entities contracting or
36 seeking to contract with the board, Sections 7926.225 and 7926.230.

37 Mandated blood testing and confidentiality to protect public health, prohibition
38 against compelling identification of test subjects, Section 120975 of the Health and
39 Safety Code.

40 Mandated blood testing and confidentiality to protect public health, unauthorized
41 disclosures of identification of test subjects, Sections 1603.1, 1603.3, and 121022
42 of the Health and Safety Code.

43 Mandated blood testing and confidentiality to protect public health, disclosure to
44 patient’s spouse, sexual partner, needle sharer, or county health officer, Section
45 121015 of the Health and Safety Code.

1 Manufactured home, mobilehome, floating home, confidentiality of home address
2 of registered owner, Section 18081 of the Health and Safety Code.

3 Marital confidential communications, Sections 980, 981, 982, 983, 984, 985, 986,
4 and 987 of the Evidence Code.

5 Market reports, confidential, Section 7927.300.

6 Marketing of commodities, confidentiality of financial information, Section
7 58781 of the Food and Agricultural Code.

8 Marketing orders, confidentiality of processors' or distributors' information,
9 Section 59202 of the Food and Agricultural Code.

10 Marriage, confidential, certificate, Section 511 of the Family Code.

11 Medi-Cal Benefits Program, confidentiality of information, Section 14100.2 of
12 the Welfare and Institutions Code.

13 Medi-Cal Benefits Program, Request of Department for Records of Information,
14 Section 14124.89 of the Welfare and Institutions Code.

15 Medi-Cal Fraud Bureau, confidentiality of complaints, Section 12528.

16 Medi-Cal managed care program, exemption from disclosure for financial and
17 utilization data submitted by Medi-Cal managed care health plans to establish rates,
18 Section 14301.1 of the Welfare and Institutions Code.

19 Medi-Cal program, exemption from disclosure for best price contracts between
20 the State Department of Health Care Services and drug manufacturers, Section
21 14105.33 of the Welfare and Institutions Code.

22 Medical information, disclosure by provider unless prohibited by patient in
23 writing, Section 56.16 of the Civil Code.

24 Medical information, types of information not subject to patient prohibition of
25 disclosure, Section 56.30 of the Civil Code.

26 Medical and other hospital committees and peer review bodies, confidentiality of
27 records, Section 1157 of the Evidence Code.

28 Medical or dental licensee, action for revocation or suspension due to illness,
29 report, confidentiality of, Section 828 of the Business and Professions Code.

30 Medical or dental licensee, disciplinary action, denial or termination of staff
31 privileges, report, confidentiality of, Sections 805, 805.1, and 805.5 of the Business
32 and Professions Code.

33 Meetings of state agencies, disclosure of agenda, Section 11125.1.

34 Mentally abnormal sex offender committed to state hospital, confidentiality of
35 records, Section 4135 of the Welfare and Institutions Code.

36 Mentally disordered and developmentally disabled offenders, access to criminal
37 histories of, Section 1620 of the Penal Code.

38 Mentally disordered persons, court-ordered evaluation, confidentiality of reports,
39 Section 5202 of the Welfare and Institutions Code.

40 Mentally disordered or mentally ill person, confidentiality of written consent to
41 detainment, Section 5326.4 of the Welfare and Institutions Code.

1 Mentally disordered or mentally ill person, voluntarily or involuntarily detained
2 and receiving services, confidentiality of records and information, Sections 5328,
3 5328.15, 5328.2, 5328.4, 5328.8, and 5328.9 of the Welfare and Institutions Code.

4 Mentally disordered or mentally ill person, weapons restrictions, confidentiality
5 of information about, Section 8103 of the Welfare and Institutions Code.

6 Milk marketing, confidentiality of records, Section 61443 of the Food and
7 Agricultural Code.

8 Milk product certification, confidentiality of, Section 62121 of the Food and
9 Agricultural Code.

10 Milk, market milk, confidential records and reports, Section 62243 of the Food
11 and Agricultural Code.

12 Milk product registration, confidentiality of information, Section 38946 of the
13 Food and Agricultural Code.

14 Milk equalization pool plan, confidentiality of producers' voting, Section 62716
15 of the Food and Agricultural Code.

16 Mining report, confidentiality of report containing information relating to mineral
17 production, reserves, or rate of depletion of mining operation, Section 2207 of the
18 Public Resources Code.

19 Minor, criminal proceeding testimony closed to public, Section 859.1 of the Penal
20 Code.

21 Minors, material depicting sexual conduct, records of suppliers to be kept and
22 made available to law enforcement, Section 1309.5 of the Labor Code.

23 Misdemeanor and felony reports by police chiefs and sheriffs to Department of
24 Justice, confidentiality of, Sections 11107 and 11107.5 of the Penal Code.

25 Monetary instrument transaction records, confidentiality of, Section 14167 of the
26 Penal Code.

27 Missing persons' information, disclosure of, Sections 14204 and 14205 of the
28 Penal Code.

29 Morbidity and mortality studies, confidentiality of records, Section 100330 of the
30 Health and Safety Code.

31 Motor vehicle accident reports, disclosure, Sections 16005, 20012, and 20014 of
32 the Vehicle Code.

33 Motor vehicles, department of, public records, exceptions, Sections 1808 to
34 1808.7, inclusive, of the Vehicle Code.

35 Motor vehicle insurance fraud reporting, confidentiality of information acquired,
36 Section 1874.3 of the Insurance Code.

37 Motor vehicle liability insurer, data reported to Department of Insurance,
38 confidentiality of, Section 11628 of the Insurance Code.

39 Multijurisdictional drug law enforcement agency, closed sessions to discuss
40 criminal investigation, Section 54957.8.

41 **Comment.** Section 7930.170 continues former Section 6276.30 without substantive change. For
42 the source of the introductory clause, see the third sentence of former Section 6275 ("The statutes
43 and constitutional provisions listed in this article may operate to exempt certain records, or portions

1 thereof, from disclosure.”). That sentence is continued without substantive change in Section
2 7930.000 and essentially repeated in each section in this chapter.

3 Former Section 6276.30 included an entry for: “Managed care health plans, confidentiality of
4 proprietary information, Section 14091.3 of the Welfare and Institutions Code.” That entry is not
5 included in Section 7930.170 because it is obsolete. Welfare and Institutions Code Section 14091.3
6 (2012 Cal. Stat. ch. 23, § 81) was repealed by its own terms on January 1, 2014.

7 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
8 7930.005 (scope and effect of index). For special rules in the California Public Records Act
9 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
10 CPRA catch-all exemption, see Section 7922.000.

11 **Notes.**

12 (1) Existing Section 6276.30 includes an entry for: “Managed care health plans, confidentiality
13 of proprietary information, Section 14091.3 of the Welfare and Institutions Code.” However,
14 Welfare and Institutions Code Section 14091.3 (2012 Cal. Stat. ch. 23, § 81) was repealed by its
15 own terms on January 1, 2014.

16 The Commission is not aware of any new provision that continues the substance of the repealed
17 section. Thus, proposed Section 7930.170 would not include the entry quoted above. The
18 accompanying Comment would explain this omission.

19 This drafting approach does not pose any risk of a substantive change, because the list of
20 exemptions in this chapter is just an aid for CPRA users (not substantive law) and it does not purport
21 to be exhaustive. See proposed Sections 7930.000 and 7930.005 (existing Sections 6275 and 6276).

22 If there is a replacement for former Welfare and Institutions Code Section 14091.3 (2012 Cal.
23 Stat. ch. 23, § 81), however, it would be helpful to list it in proposed Section 7930.170. Does such
24 a replacement exist?

25 (2) Existing Section 6276.30 also includes an entry for: “Mentally disordered or mentally ill
26 person, weapons restrictions, confidentiality of information about, Section 8103 of the Welfare and
27 Institutions Code.” At present, there are two versions of Welfare and Institutions Code Section
28 8103: A version that will sunset by its own terms on January 1, 2020 (2018 Cal. Stat. ch. 861, § 1)
29 and a version that will become operative on January 1, 2020 (2018 Cal. Stat. ch. 861, § 2). However,
30 both versions contain the same language regarding record disclosure (see subdivision (e)(3)).
31 Consequently, proposed Section 7930.170, like existing Section 6276.30, would simply refer to
32 “Section 8103 of the Welfare and Institutions Code.”

33 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
34 **especially appreciate public comment on these matters.**

35 **§ 7930.175. From “Narcotic addict outpatient revocation proceeding” to “Osteopathic**
36 **physician and surgeon”**

37 7930.175. The following provisions may operate to exempt certain records, or
38 portions thereof, from disclosure pursuant to this division:

39 Narcotic and drug abuse patients, confidentiality of records, Section 11845.5,
40 Health and Safety Code.

41 Native American graves, cemeteries and sacred places, records of, Section
42 7927.000.

43 Notary public, confidentiality of application for appointment and commission,
44 Section 8201.5.

45 Nurse, alcohol or dangerous drug diversion and rehabilitation records,
46 confidentiality of, Section 2770.12, Business and Professions Code.

1 Obscene matter, defense of scientific or other purpose, confidentiality of
2 recipients, Section 311.8, Penal Code.

3 Occupational safety and health investigations, confidentiality of complaints and
4 complainants, Section 6309, Labor Code.

5 Occupational safety and health investigations, confidentiality of trade secrets,
6 Section 6322, Labor Code.

7 Official information acquired in confidence by public employee, disclosure of,
8 Sections 1040 and 1041, Evidence Code.

9 Oil and gas, confidentiality of proposals for the drilling of a well, Section 3724.4,
10 Public Resources Code.

11 Oil and gas, disclosure of onshore and offshore exploratory well records, Section
12 3234, Public Resources Code.

13 Oil and gas, disclosure of well records, Section 3752, Public Resources Code.

14 Oil and gas leases, surveys for permits, confidentiality of information, Section
15 6826, Public Resources Code.

16 Oil spill feepayer information, prohibition against disclosure, Section 46751,
17 Revenue and Taxation Code.

18 Older adults receiving county services, providing information between county
19 agencies, confidentiality of, Section 9401, Welfare and Institutions Code.

20 Organic food certification organization records, release of, Section 110845,
21 Health and Safety Code.

22 Osteopathic physician and surgeon, rehabilitation and diversion records,
23 confidentiality of, Section 2369, Business and Professions Code.

24 **Comment.** Section 7930.175 continues former Section 6276.32 without substantive change. For
25 the source of the introductory clause, see the third sentence of former Section 6275 (“The statutes
26 and constitutional provisions listed in this article may operate to exempt certain records, or portions
27 thereof, from disclosure.”). That sentence is continued without substantive change in Section
28 7930.000 and essentially repeated in each section in this chapter.

29 Former Section 6276.32 included an entry for: “Narcotic addict outpatient revocation
30 proceeding, confidentiality of reports, Section 3152.5, Welfare and Institutions Code.” That entry
31 is not included in Section 7930.175 because it is obsolete. Welfare and Institutions Code Section
32 3152.5 (1978 Cal. Stat. ch. 856, § 5) was repealed by the terms of former Welfare and Institutions
33 Code Section 3202 (see 2012 Cal. Stat. ch. 41, § 119).

34 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
35 7930.005 (scope and effect of index). For special rules in the California Public Records Act
36 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
37 CPRA catch-all exemption, see Section 7922.000.

38 **Note.** Existing Section 6276.32 includes an entry for: “Narcotic addict outpatient revocation
39 proceeding, confidentiality of reports, Section 3152.5, Welfare and Institutions Code.” However,
40 Welfare and Institutions Code Section 3152.5 (1978 Cal. Stat. ch. 856, § 5) was repealed by the
41 terms of former Welfare and Institutions Code Section 3202 (see 2012 Cal. Stat. ch. 41, § 119).

42 The Commission is not aware of any new provision that continues the substance of the repealed
43 section. Thus, (1) proposed Section 7930.175 would not include the entry quoted above, and (2)
44 the accompanying Comment would explain this omission.

45 This drafting approach does not pose any risk of a substantive change, because the list of
46 exemptions in this chapter is just an aid for CPRA users (not substantive law) and it does not purport
47 to be exhaustive. See proposed Sections 7930.000 and 7930.005 (existing Sections 6275 and 6276).

1 If there is a replacement for former Welfare and Institutions Code Section 3152.5 (1978 Cal.
2 Stat. ch. 856, § 5), however, it would be helpful to list it in proposed Section 7930.175. Does such
3 a replacement exist?

4 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
5 **especially appreciate public comment on this matter.**

6 **§ 7930.180. From “Parole revocation proceedings” to “Postmortem or autopsy photos”**

7 7930.180. The following provisions may operate to exempt certain records, or
8 portions thereof, from disclosure pursuant to this division:

9 Parole revocation proceedings, confidentiality of information in reports, Section
10 3063.5, Penal Code.

11 Passenger fishing boat licenses, records, Section 7923, Fish and Game Code.

12 Paternity, acknowledgement, confidentiality of records, Section 102760, Health
13 and Safety Code.

14 Patient-physician confidential communication, Sections 992 and 994, Evidence
15 Code.

16 Patient records, confidentiality of, Section 123135, Health and Safety Code.

17 Payroll records, confidentiality of, Section 1776, Labor Code.

18 Peace officer personnel records, confidentiality of, Sections 832.7 and 832.8,
19 Penal Code.

20 Penitential communication between penitent and clergy, Sections 1032 and 1033,
21 Evidence Code.

22 Personal Care Services Program, exemption from disclosure for information
23 regarding persons paid by the state to provide personal care services, Section
24 7926.300.

25 Personal Income Tax, disclosure of information, Article 2 (commencing with
26 Section 19542), Chapter 7, Part 10.2, Division 2, Revenue and Taxation Code.

27 Personal information, Information Practices Act, prohibitions against disclosure
28 by state agencies, Sections 1798.24 and 1798.75, Civil Code.

29 Personal information, subpoena of records containing, Section 1985.4, Code of
30 Civil Procedure.

31 Personal representative, confidentiality of personal representative’s birth date and
32 driver’s license number, Section 8404, Probate Code.

33 Persons formerly classified as mentally abnormal sex offenders committed to a
34 state hospital, confidentiality of records, Section 4135, Welfare and Institutions
35 Code.

36 Persons with mental health disorders, court-ordered evaluation, confidentiality of
37 reports, Section 5202, Welfare and Institutions Code.

38 Persons with mental health disorders, confidentiality of written consent to
39 detainment, Section 5326.4, Welfare and Institutions Code.

40 Persons with mental health disorders voluntarily detained and receiving services,
41 confidentiality of records and information, Sections 5328, 5328.15, 5328.2, 5328.4,
42 5328.8, and 5328.9, Welfare and Institutions Code.

1 Persons with mental health disorders, weapons restrictions, confidentiality of
2 information about, Section 8103, Welfare and Institutions Code.

3 Petition signatures, Section 18650, Elections Code.

4 Petroleum supply and pricing, confidential information, Sections 25364 and
5 25366, Public Resources Code.

6 Pharmacist, alcohol or dangerous drug diversion and rehabilitation records,
7 confidentiality of, Section 4372, Business and Professions Code.

8 Physical therapist or assistant, records of dangerous drug or alcohol diversion and
9 rehabilitation, confidentiality of, Section 2667, Business and Professions Code.

10 Physical or mental condition or conviction of controlled substance offense,
11 records in Department of Motor Vehicles, confidentiality of, Section 1808.5,
12 Vehicle Code.

13 Physician and surgeon, rehabilitation and diversion records, confidentiality of,
14 Section 2355, Business and Professions Code.

15 Physician assistant, alcohol or dangerous drug diversion and rehabilitation
16 records, confidentiality of, Section 3534.7, Business and Professions Code.

17 Physician competency examination, confidentiality of reports, Section 2294,
18 Business and Professions Code.

19 Physicians and surgeons, confidentiality of reports of patients with a lapse of
20 consciousness disorder, Section 103900, Health and Safety Code.

21 Physician Services Account, confidentiality of patient names in claims, Section
22 16956, Welfare and Institutions Code.

23 Pilots, confidentiality of personal information, Section 1157.1, Harbors and
24 Navigation Code.

25 Pollution Control Financing Authority, financial data submitted to, Section
26 7924.505.

27 Postmortem or autopsy photos, Section 129, Code of Civil Procedure.

28 **Comment.** Section 7930.180 continues former Section 6276.34 without substantive change. For
29 the source of the introductory clause, see the third sentence of former Section 6275 (“The statutes
30 and constitutional provisions listed in this article may operate to exempt certain records, or portions
31 thereof, from disclosure.”). That sentence is continued without substantive change in Section
32 7930.000 and essentially repeated in each section in this chapter.

33 Former Section 6276.34 included an entry for: “Payment instrument licensee records, inspection
34 of, Section 33206, Financial Code.” That entry is not included in Section 7930.180 because it is
35 obsolete. Financial Code Section 33206 (1996 Cal. Stat. ch. 1064, § 712) has been repealed. See
36 2010 Cal. Stat. ch. 612, § 4.

37 Former Section 6276.34 also included an entry for: “Physician and surgeon, rehabilitation and
38 diversion records, confidentiality of, Section 2355, Business and Professions Code.” That entry is
39 not included in Section 7930.180 because it is obsolete. Business and Professions Code Section
40 2355 (2000 Cal. Stat. ch. 836, § 12) has been repealed. See 2005 Cal. Stat. ch. 674, § 16 (sunset
41 clause, operative Jan. 1, 2009).

42 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
43 7930.005 (scope and effect of index). For special rules in the California Public Records Act
44 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
45 CPRA catch-all exemption, see Section 7922.000.

1 **Notes.**

2 (1) Existing Section 6276.34 includes an entry for: “Payment instrument licensee records,
3 inspection of, Section 33206, Financial Code.” However, Financial Code Section 33206 (1996 Cal.
4 Stat. ch. 1064, § 712) was part of the Payment Instruments Law (former Fin. Code § 33000 *et seq.*),
5 which was repealed by a bill enacted in 2010. See 2010 Cal. Stat. ch. 612, § 4.

6 That bill also repealed the Money Abroad Law (former Fin. Code § 1800 *et seq.*) and the
7 Travelers Check Act (former Fin. Code § 1851 *et seq.*). Much of the substance of these three
8 repealed bodies of law was consolidated into the Money Transmission Act (Fin. Code §§ 1800-
9 1872). See, e.g., Senate Committee on Banking, Finance & Insurance Analysis of AB 2789 (June
10 30, 2010).

11 The Commission has not found any new provision that continues the substance of the former
12 Financial Code Section 33206. Thus, proposed Section 7930.180 would not include the entry
13 quoted above. The accompanying Comment would explain this omission.

14 This drafting approach does not pose any risk of a substantive change, because the list of
15 exemptions in this chapter is just an aid for CPRA users (not substantive law) and it does not purport
16 to be exhaustive. See proposed Sections 7930.000 and 7930.005 (existing Sections 6275 and 6276).

17 If there is a replacement for former Financial Code Section 33206 (1996 Cal. Stat. ch. 1064, §
18 712), however, it would be helpful to list it in proposed Section 7930.180. Does such a replacement
19 exist?

20 (2) Existing Section 6276.34 also includes an entry for: “Persons with mental health disorders,
21 weapons restrictions, confidentiality of information about, Section 8103, Welfare and Institutions
22 Code.” At present, there are two versions of Welfare and Institutions Code Section 8103: A version
23 that will sunset by its own terms on January 1, 2020 (2018 Cal. Stat. ch. 861, § 1) and a version
24 that will become operative on January 1, 2020 (2018 Cal. Stat. ch. 861, § 2). However, both versions
25 contain the same language regarding record disclosure (see subdivision (e)(3)). Consequently,
26 proposed Section 7930.180, like existing Section 6276.34, would simply refer to “Section 8103,
27 Welfare and Institutions Code.”

28 (3) Another entry in existing Section 6276.34 is for: “Physician and surgeon, rehabilitation and
29 diversion records, confidentiality of, Section 2355, Business and Professions Code.” However,
30 Business and Professions Code Section 2355 (2000 Cal. Stat. ch. 836, § 12) has been repealed. See
31 2005 Cal. Stat. ch. 674, § 16 (sunset clause, operative Jan. 1, 2009).

32 The Commission has not found any new provision that continues the substance of the former
33 Business and Professions Code Section 2355; the diversion programs to which it pertained appear
34 to have been discontinued. Thus, proposed Section 7930.180 would not include the entry quoted
35 above. The accompanying Comment would explain this omission.

36 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
37 **especially appreciate public comment on these matters.**

38
39 **§ 7930.185. From “Pregnancy tests by local public health agencies” to “Pupil records”**

40 7930.185. The following provisions may operate to exempt certain records, or
41 portions thereof, from disclosure pursuant to this division:

42 Pregnancy tests by local public health agencies, confidentiality of, Section
43 123380, Health and Safety Code.

44 Pregnant women, confidentiality of blood tests, Section 125105, Health and
45 Safety Code.

46 Prehospital emergency medical care, release of information, Sections 1797.188
47 and 1797.189, Health and Safety Code.

1 Prenatal syphilis tests, confidentiality of, Section 120705, Health and Safety
2 Code.

3 Prescription drug discounts, confidentiality of corporate proprietary information,
4 Section 130506, Health and Safety Code.

5 Prisoners, behavioral research on, confidential personal information, Section
6 3515, Penal Code.

7 Prisoners, confidentiality of blood tests, Section 7530, Penal Code.

8 Prisoners, medical testing, confidentiality of records, Sections 7517 and 7540,
9 Penal Code.

10 Prisoners, transfer from county facility for mental treatment and evaluation,
11 confidentiality of written reasons, Section 4011.6, Penal Code.

12 Private industry wage data collected by public entity, confidentiality of, Section
13 7927.600.

14 Private railroad car tax, confidentiality of information, Section 11655, Revenue
15 and Taxation Code.

16 Probate referee, disclosure of materials, Section 8908, Probate Code.

17 Probation officer reports, inspection of, Section 1203.05, Penal Code.

18 Produce dealer, confidentiality of financial statements, Section 56254, Food and
19 Agricultural Code.

20 Products liability insurers, transmission of information, Section 1857.9, Insurance
21 Code.

22 Professional corporations, financial statements, confidentiality of, Section 13406,
23 Corporations Code.

24 Property on loan to museum, notice of intent to preserve an interest in, not subject
25 to disclosure, Section 1899.5, Civil Code.

26 Property taxation, confidentiality of change of ownership, Section 481, Revenue
27 and Taxation Code.

28 Property taxation, confidentiality of exemption claims, Sections 63.1, 69.5, and
29 408.2, Revenue and Taxation Code.

30 Property taxation, confidentiality of property information, Section 15641,
31 Government Code and Section 833, Revenue and Taxation Code.

32 Proprietary information, availability only to the director and other persons
33 authorized by the operator and the owner, Section 2778, Public Resources Code.

34 Psychologist and client, confidential relations and communications, Section 2918,
35 Business and Professions Code.

36 Psychotherapist-patient confidential communication, Sections 1012 and 1014,
37 Evidence Code.

38 Public employees' home addresses and telephone numbers, confidentiality of,
39 Section 7928.300.

40 Public Employees' Medical and Hospital Care Act, confidentiality of data relating
41 to health care services rendered by participating hospitals to members and
42 annuitants, Section 22854.5.

1 Public Employees' Retirement System, confidentiality of data filed by member or
2 beneficiary with board of administration, Section 20230.

3 Public investment funds, exemption from disclosure for records regarding
4 alternative investments, Section 7928.710.

5 Public school employees organization, confidentiality of proof of majority
6 support submitted to Public Employment Relations Board, Sections 3544, 3544.1,
7 and 3544.5.

8 Public social services, confidentiality of digest of decisions, Section 10964,
9 Welfare and Institutions Code.

10 Public social services, confidentiality of information regarding child abuse or
11 elder or dependent persons abuse, Section 10850.1, Welfare and Institutions Code.

12 Public social services, confidentiality of information regarding eligibility, Section
13 10850.2, Welfare and Institutions Code.

14 Public social services, confidentiality of records, Section 10850, Welfare and
15 Institutions Code.

16 Public social services, disclosure of information to law enforcement agencies,
17 Section 10850.3, Welfare and Institutions Code.

18 Public social services, disclosure of information to law enforcement agencies
19 regarding deceased applicant or recipient, Section 10850.7, Welfare and Institutions
20 Code.

21 Public utilities, confidentiality of information, Section 583, Public Utilities Code.

22 Pupil, confidentiality of personal information, Section 45345, Education Code.

23 Pupil drug and alcohol use questionnaires, confidentiality of, Section 11605,
24 Health and Safety Code.

25 Pupil, expulsion hearing, disclosure of testimony of witness and closed session of
26 district board, Section 48918, Education Code.

27 Pupil, personal information disclosed to school counselor, confidentiality of,
28 Section 49602, Education Code.

29 Pupil record contents, records of administrative hearing to change contents,
30 confidentiality of, Section 49070, Education Code.

31 Pupil records, access authorized for specified parties, Section 49076, Education
32 Code.

33 Pupil records, disclosure in hearing to dismiss or suspend school employee,
34 Section 44944.3, Education Code.

35 Pupil records, release of directory information to private entities, Sections 49073
36 and 49073.5, Education Code.

37 **Comment.** Section 7930.185 continues former Section 6276.36 without substantive change. For
38 the source of the introductory clause, see the third sentence of former Section 6275 ("The statutes
39 and constitutional provisions listed in this article may operate to exempt certain records, or portions
40 thereof, from disclosure."). That sentence is continued without substantive change in Section
41 7930.000 and essentially repeated in each section in this chapter.

42 Former Section 6276.36 included an entry for: "Public Employees' Retirement System,
43 confidentiality of data filed by member or beneficiary with board of administration, Section
44 20134." That entry has been revised because Section 20134 was repealed and its substance moved

1 to Section 20230. See 1995 Cal. Stat. ch. 379, § 1; *compare* 1985 Cal. Stat. ch. 1508, § 1 with
2 Section 20230. Section 7930.185 would thus refer to Section 20230, instead of Section 20134.

3 Former Section 6276.36 also included an entry for: “Pupil records, disclosure in hearing to
4 dismiss or suspend school employee, Section 44944.1, Education Code.” That entry has been
5 revised because Section 44944.1 was repealed and added, and the new provision does not address
6 record disclosure (see 2014 Cal. Stat. ch. 55, §§ 17, 18). The substance of the repealed provision
7 has been moved to Education Code Section 44944.3 (*compare* 1985 Cal. Stat. ch. 324, § 3 (former
8 Educ. Code § 44944.1) with Educ. Code § 44944.3). Proposed Section 7930.135 would thus refer
9 to Education Code Section 44944.3, instead of Education Code Section 44944.1.

10 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
11 7930.005 (scope and effect of index). For special rules in the California Public Records Act
12 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
13 CPRA catch-all exemption, see Section 7922.000.

14 **Notes.**

15 (1) Existing Section 6276.36 includes an entry for: “Public Employees’ Retirement System,
16 confidentiality of data filed by member or beneficiary with board of administration, Section
17 20134.” However, Section 20134 has been repealed (see 1995 Cal. Stat. ch. 379, § 1). Its substance
18 has been moved to Section 20230 (*compare* 1985 Cal. Stat. ch. 1508, § 1 with Section 20230).
19 Accordingly, proposed Section 7930.185 would refer to Section 20230, instead of Section 20134.

20 (2) Existing Section 6276.36 also includes an entry for: “Pupil records, disclosure in hearing to
21 dismiss or suspend school employee, Section 44944.1, Education Code.” However, Education
22 Code Section 44944.1 was repealed and added, and the new provision does not address record
23 disclosure. See 2014 Cal. Stat. ch. 55, §§ 17, 18.

24 The substance of the repealed provision has been moved to Education Code Section 44944.3.
25 *Compare* 1985 Cal. Stat. ch. 324, § 3 (former Educ. Code § 44944.1) with Educ. Code § 44944.3.
26 Accordingly, proposed Section 7930.185 would refer to Education Code Section 44944.3, instead
27 of Education Code Section 44944.1.

28 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
29 **especially appreciate public comment on these matters.**

30 **§ 7930.190. From “Radioactive materials” to “Reward by Governor”**

31 7930.190. The following provisions may operate to exempt certain records, or
32 portions thereof, from disclosure pursuant to this division:

33 Radioactive materials, dissemination of information about transportation of,
34 Section 33002, Vehicle Code.

35 Railroad infrastructure protection program, disclosure not required for risk
36 assessments filed with the Public Utilities Commission, the Director of Emergency
37 Services, or the Office of Emergency Services, Section 7929.215.

38 Real estate broker, annual report to Bureau of Real Estate of financial information,
39 confidentiality of, Section 10232.2, Business and Professions Code.

40 Real property, acquisition by state or local government, information relating to
41 feasibility, Section 7928.705.

42 Real property, change in ownership statement, confidentiality of, Section 27280.

43 Records described in Section 1620 of the Penal Code.

44 Records of contract purchasers, inspection by public prohibited, Section 85,
45 Military and Veterans Code.

1 Records of persons committed to a state hospital pursuant to Section 4135 of the
2 Welfare and Institutions Code.

3 Registered public obligations, inspection of records of security interests in,
4 Section 5060.

5 Registration of exempt vehicles, nondisclosure of name of person involved in
6 alleged violation, Section 5003, Vehicle Code.

7 Rehabilitation, Department of, confidential information, Section 19016, Welfare
8 and Institutions Code.

9 Reinsurance intermediary-broker license information, confidentiality of, Section
10 1781.3, Insurance Code.

11 Relocation assistance, confidential records submitted to a public entity by a
12 business or farm operation, Section 7262.

13 Rent control ordinance, confidentiality of information concerning
14 accommodations sought to be withdrawn from, Section 7060.4.

15 Report of probation officer, inspection, copies, Section 1203.05, Penal Code.

16 Repossession agency licensee application, confidentiality of information,
17 Sections 7503, 7504, and 7506.5, Business and Professions Code.

18 Reproductive health facilities, disclosure not required for personal information
19 regarding employees, volunteers, board members, owners, partners, officers, and
20 contractors of a reproductive health services facility who have provided requisite
21 notification, Sections 7926.400 to 7926.430, inclusive.

22 Residence address in any record of Department of Housing and Community
23 Development, confidentiality of, Section 7927.415.

24 Residence address in any record of Department of Motor Vehicles, confidentiality
25 of, Section 7927.405, Government Code, and Section 1808.21, Vehicle Code.

26 Residence and mailing addresses in records of Department of Motor Vehicles,
27 confidentiality of, Section 1810.7, Vehicle Code.

28 Residential care facilities, confidentiality of resident information, Section
29 1568.08, Health and Safety Code.

30 Residential care facilities for the elderly, confidentiality of client information,
31 Section 1569.315, Health and Safety Code.

32 Resource families, identifying information, Section 16519.55, Welfare and
33 Institutions Code.

34 Respiratory care practitioner, professional competency examination reports,
35 confidentiality of, Section 3756, Business and Professions Code.

36 Restraint of trade, civil action by district attorney, confidential memorandum,
37 Section 16750, Business and Professions Code.

38 Reward by Governor for information leading to arrest and conviction,
39 confidentiality of person supplying information, Section 1547, Penal Code.

40 **Comment.** Section 7930.190 continues former Section 6276.38. For the source of the
41 introductory clause, see the third sentence of former Section 6275 (“The statutes and constitutional
42 provisions listed in this article may operate to exempt certain records, or portions thereof, from
43 disclosure.”). That sentence is continued without substantive change in Section 7930.000 and
44 essentially repeated in each section in this chapter.

1 The last entry in former Section 6276.38 was for: “Safe surrender site, confidentiality of
2 information pertaining to a parent or individual surrendering a child, Section 1255.7, Health and
3 Safety Code.” That entry is not included in Section 7930.190. Instead, it is included in Section
4 7930.195, together with other entries that begin with “S.”

5 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
6 7930.005 (scope and effect of index). For special rules in the California Public Records Act
7 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
8 CPRA catch-all exemption, see Section 7922.000.

9 **Note.** Existing Section 6276.38 includes an entry for: “Residential care facilities for the elderly,
10 confidentiality of client information, Section 1569.315, Health and Safety Code.” There are two
11 versions of Section 1569.315 in the Health and Safety Code (1985 Cal. Stat. ch. 869, § 4; 1985 Cal.
12 Stat. ch. 1096, § 5).

13 Both versions require a residential care facility for the elderly to keep and protect “the privacy
14 and confidentiality of” certain records. Most of the differences between the versions are stylistic,
15 but only the first version applies to “the ... address ... of the client’s physician ...”

16 Like existing Section 6276.38, proposed Section 7930.190 would simply refer to “Section
17 1569.315, Health and Safety Code.” Is that the best way to handle this situation?

18 **The Commission welcomes input on any aspect of its proposed recodification, but it would
19 especially appreciate public comment on this matter.**

20 **§ 7930.195. From “Safe surrender site” to “Social security numbers within records of local
21 agencies”**

22 7930.195. The following provisions may operate to exempt certain records, or
23 portions thereof, from disclosure pursuant to this division:

24 Safe surrender site, confidentiality of information pertaining to a parent or
25 individual surrendering a child, Section 1255.7, Health and Safety Code.

26 Sales and use tax, disclosure of information, Section 7056, Revenue and Taxation
27 Code.

28 Santa Barbara Regional Health Authority, exemption from disclosure for records
29 maintained by the authority regarding negotiated rates for the California Medical
30 Assistance Program, Section 14499.6, Welfare and Institutions Code.

31 Savings association employees, disclosure of criminal history information,
32 Section 6525, Financial Code.

33 Savings associations, inspection of records by shareholders, Section 6050,
34 Financial Code.

35 School district governing board, disciplinary action, disclosure of pupil
36 information, Section 35146, Education Code.

37 School employee, merit system examination records, confidentiality of, Section
38 45274, Education Code.

39 School employee, notice and reasons for hearing on nonreemployment of
40 employee, confidentiality of, Sections 44948.5 and 44949, Education Code.

41 School meals for needy pupils, confidentiality of records, Section 49558,
42 Education Code.

43 Sealed records, arrest for misdemeanor, Section 851.7, Penal Code.

44 Sealed records, misdemeanor convictions, Section 1203.45, Penal Code.

1 Sealing and destruction of arrest records, determination of innocence, Section
2 851.8, Penal Code.

3 Search warrants, special master, Section 1524, Penal Code.

4 Sex change, confidentiality of birth certificate, Section 103440, Health and Safety
5 Code.

6 Sex offenders, registration form, Section 290.021, Penal Code.

7 Sexual assault forms, confidentiality of, Section 13823.5, Penal Code.

8 Sexual assault counselor and victim, confidential communication, Sections
9 1035.2, 1035.4, and 1035.8, Evidence Code.

10 Shorthand reporter's complaint, Section 8010, Business and Professions Code.

11 Small family day care homes, identifying information, Section 1596.86, Health
12 and Safety Code.

13 Social security number, applicant for driver's license or identification card,
14 nondisclosure of, Section 1653.5, Vehicle Code, and Section 7922.200.

15 Social security number, official record or official filing, nondisclosure of, Section
16 9526.5, Commercial Code, and Sections 7922.205 and 7922.210.

17 Social Security Number Truncation Program, Article 3.5 (commencing with
18 Section 27300), Chapter 6, Part 3, Division 2, Title 3.

19 Social security numbers within records of local agencies, nondisclosure of,
20 Section 7922.200.

21 **Comment.** Section 7930.195 continues former Section 6276.40. For the source of the
22 introductory clause, see the third sentence of former Section 6275 ("The statutes and constitutional
23 provisions listed in this article may operate to exempt certain records, or portions thereof, from
24 disclosure."). That sentence is continued without substantive change in Section 7930.000 and
25 essentially repeated in each section in this chapter.

26 Former Section 6276.38 consisted of entries beginning with "R," plus an entry for: "Safe
27 surrender site, confidentiality of information pertaining to a parent or individual surrendering a
28 child, Section 1255.7, Health and Safety Code." The quoted entry belongs with other entries that
29 begin with "S," not with entries that begin with "R." Thus, the quoted entry is recodified here in
30 Section 7930.195, not in Section 7930.190.

31 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
32 7930.005 (scope and effect of index). For special rules in the California Public Records Act
33 ("CPRA") that apply to specific types of public records, see Sections 7923.600-7929.600. For the
34 CPRA catch-all exemption, see Section 7922.000.

35 **Note.** Existing Section 6276.40 includes an entry for: "Social security number, applicant for
36 driver's license or identification card, nondisclosure of, Section 1653.5, Vehicle Code" At
37 present, there are two versions of Vehicle Code Section 1653.5, with different rules governing
38 when they are operative: (1) 2014 Cal. Stat. ch. 452, § 2, and (2) 2014 Cal. Stat. ch. 71, § 168. Both
39 versions restrict disclosure of the social security number of an applicant for a driver's license or
40 identification card. For that reason, and because only one version will be operative at a time,
41 proposed Section 7930.195, like existing Section 6276.40, would simply refer to "Section 1653.5,
42 Vehicle Code"

43 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
44 **especially appreciate public comment on this matter.**

1 § 7930.200. From “State agency activities relating to unrepresented employees” to
2 “Sturgeon egg processors”

3 7930.200. The following provisions may operate to exempt certain records, or
4 portions thereof, from disclosure pursuant to this division:

5 State agency activities relating to unrepresented employees, Section 7928.405.

6 State agency activities relating to providers of health care, Section 7927.500.

7 State Auditor, access to barred records, Section 8545.2.

8 State Auditor, confidentiality of records, Sections 8545, 8545.1, and 8545.3.

9 State civil service employee, confidentiality of appeal to state personnel board,
10 Section 18952.

11 State civil service employees, confidentiality of reports, Section 18573.

12 State civil service examination, confidentiality of application and examination
13 materials, Section 18934.

14 State Compensation Insurance Fund, exemption from disclosure for various
15 records maintained by the State Compensation Insurance Fund, Sections 7929.400
16 to 7929.430, inclusive.

17 State Contract Act, bids, questionnaires and financial statements, Section 10165,
18 Public Contract Code.

19 State Contract Act, bids, sealing, opening and reading bids, Section 10304, Public
20 Contract Code.

21 State Energy Resources Conservation and Development Commission,
22 confidentiality of proprietary information submitted to, Section 25223, Public
23 Resources Code.

24 State hospital patients, information and records in possession of Superintendent
25 of Public Instruction, confidentiality of, Section 56863, Education Code.

26 State Long-Term Care Ombudsman, access to government agency records,
27 Section 9723, Welfare and Institutions Code.

28 State Long-Term Care Ombudsman office, confidentiality of records and files,
29 Section 9725, Welfare and Institutions Code.

30 State Long-Term Care Ombudsman office, disclosure of information or
31 communications, Section 9715, Welfare and Institutions Code.

32 State Lottery Evaluation Report, disclosure, Section 8880.46.

33 State prisoners, exemption from disclosure for surveys by the California Research
34 Bureau of children of female prisoners, Section 7443, Penal Code.

35 State summary criminal history information, confidentiality of information,
36 Sections 11105, 11105.1, 11105.3, and 11105.4, Penal Code.

37 State Teachers’ Retirement System, confidentiality of information filed with the
38 system by a member, participant, or beneficiary, Section 22306, Education Code.

39 Sterilization of disabled, confidentiality of evaluation report, Section 1955,
40 Probate Code.

41 Strawberry marketing information, confidentiality of, Section 63124, Food and
42 Agricultural Code.

1 Structural pest control licensee records relating to pesticide use, confidentiality
2 of, Section 15205, Food and Agricultural Code.

3 Student driver, records of physical or mental condition, confidentiality of, Section
4 12661, Vehicle Code.

5 Student, community college, information received by school counselor,
6 confidentiality of, Section 72621, Education Code.

7 Student, community college, records, limitations on release, Section 76243,
8 Education Code.

9 Student, community college, record contents, records of administrative hearing to
10 change contents, confidentiality of, Section 76232, Education Code.

11 Student, sexual assault on private higher education institution campus,
12 confidentiality of information, Section 94385, Education Code.

13 Student, sexual assault on public college or university, confidentiality of
14 information, Section 67385, Education Code.

15 Sturgeon egg processors, records, Section 10004, Fish and Game Code.

16 **Comment.** Section 7930.200 continues former Section 6276.42 without substantive change. For
17 the source of the introductory clause, see the third sentence of former Section 6275 (“The statutes
18 and constitutional provisions listed in this article may operate to exempt certain records, or portions
19 thereof, from disclosure.”). That sentence is continued without substantive change in Section
20 7930.000 and essentially repeated in each section in this chapter.

21 Former Section 6276.42 included an entry for: “State Teachers’ Retirement System,
22 confidentiality of information filed with the system by a member, participant, or beneficiary,
23 Sections 22306 and 26215, Education Code.” That entry has been revised to refer only to Education
24 Code Section 22306. The reference to Education Code Section 26215 is obsolete because that
25 section was repealed as redundant. See 2017 Cal. Stat. ch. 298, § 11; Senate Committee on Public
26 Employment & Retirement Analysis of AB 1325 (July 10, 2017), p. 5.

27 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
28 7930.005 (scope and effect of index). For special rules in the California Public Records Act
29 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
30 CPRA catch-all exemption, see Section 7922.000.

31 **Note.** Existing Section 6276.42 includes an entry for: “State Teachers’ Retirement System,
32 confidentiality of information filed with the system by a member, participant, or beneficiary,
33 Sections 22306 and 26215, Education Code.” However, Education Code Section 26215 has been
34 repealed, apparently because it was considered redundant with Education Code Section 22306. See
35 2017 Cal. Stat. ch. 298, § 11; Senate Committee on Public Employment & Retirement Analysis of
36 AB 1325 (July 10, 2017), p. 5.

37 Thus, proposed Section 7930.200 would include the entry quoted above, but it would only refer
38 to Education Code Section 22306. The accompanying Comment would explain the omission of
39 Education Code Section 26215.

40 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
41 **especially appreciate public comment on this matter.**

42 **§ 7930.205. From “Taxpayer information” to “Trust companies”**

43 7930.205. The following provisions may operate to exempt certain records, or
44 portions thereof, from disclosure pursuant to this division:

45 Taxpayer information, confidentiality, local taxes, Section 7925.000.

1 Tax preparer, disclosure of information obtained in business of preparing tax
2 returns, Section 17530.5, Business and Professions Code.

3 Teacher, credential holder or applicant, information provided to Commission on
4 Teacher Credentialing, confidentiality of, Section 44341, Education Code.

5 Teacher, certified school personnel examination results, confidentiality of,
6 Section 44289, Education Code.

7 Telephone answering service customer list, trade secret, Section 16606, Business
8 and Professions Code.

9 Timber yield tax, disclosure to county assessor, Section 38706, Revenue and
10 Taxation Code.

11 Timber yield tax, disclosure of information, Section 38705, Revenue and Taxation
12 Code.

13 Title insurers, confidentiality of notice of noncompliance, Section 12414.14,
14 Insurance Code.

15 Tobacco products, exemption from disclosure for distribution information
16 provided to the State Department of Public Health, Section 22954, Business and
17 Professions Code.

18 Tow truck driver, information in records of California Highway Patrol,
19 Department of Motor Vehicles, or other agencies, confidentiality of, Sections 2431
20 and 2432.3, Vehicle Code.

21 Toxic substances, Department of, inspection of records of, Section 25152.5,
22 Health and Safety Code.

23 Trade secrets, Section 1060, Evidence Code.

24 Trade secrets, confidentiality of, occupational safety and health inspections,
25 Section 6322, Labor Code.

26 Trade secrets, disclosure of public records, Section 3426.7, Civil Code.

27 Trade secrets, food, drugs, cosmetics, nondisclosure, Sections 110165 and
28 110370, Health and Safety Code.

29 Trade secrets, protection by Director of the Department of Pesticide Regulation,
30 Sections 7924.300 to 7924.335, inclusive.

31 Trade secrets and proprietary information relating to pesticides, confidentiality of,
32 Sections 14022 and 14023, Food and Agricultural Code.

33 Trade secrets, protection by Director of Industrial Relations, Section 6396, Labor
34 Code.

35 Trade secrets relating to hazardous substances, disclosure of, Sections 25358.2
36 and 25358.7, Health and Safety Code.

37 Traffic violator school licensee records, confidentiality of, Section 11212, Vehicle
38 Code.

39 Traffic offense, dismissed for participation in driving school or program, record
40 of, confidentiality of, Section 1808.7, Vehicle Code.

41 Transit districts, questionnaire and financial statement information in bids,
42 Section 99154, Public Utilities Code.

1 Tribal-state gaming contracts, exemption from disclosure for records of an Indian
2 tribe relating to securitization of annual payments, Section 63048.63.

3 Trust companies, disclosure of private trust confidential information, Section
4 1602, Financial Code.

5 **Comment.** Section 7930.205 continues former Section 6276.44 without substantive change. For
6 the source of the introductory clause, see the third sentence of former Section 6275 (“The statutes
7 and constitutional provisions listed in this article may operate to exempt certain records, or portions
8 thereof, from disclosure.”). That sentence is continued without substantive change in Section
9 7930.000 and essentially repeated in each section in this chapter.

10 Former Section 6276.44 included an entry for: “Trust companies, disclosure of private trust
11 confidential information, Section 1582, Financial Code.” That entry has been revised because
12 Financial Code Section 1582 was repealed in 2011 and replaced by a new provision that has nothing
13 to do with disclosure of private trust confidential information (see 2011 Cal. Stat. ch. 243, §§ 1, 3).
14 The substance of the repealed provision was moved to Financial Code Section 1602 (*compare*
15 former Fin. Code § 1582 (1996 Cal. Stat. ch. 1064, § 212) *with* Fin. Code § 1602). Section 7930.205
16 thus refers to Financial Code Section 1602, instead of Financial Code Section 1582.

17 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
18 7930.005 (scope and effect of index). For special rules in the California Public Records Act
19 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
20 CPRA catch-all exemption, see Section 7922.000.

21 **Note.** Existing Section 6276.44 includes an entry for: “Trust companies, disclosure of private trust
22 confidential information, Section 1582, Financial Code.” However, Financial Code Section 1582
23 was repealed and added in 2011, and the new provision has nothing to do with disclosure of private
24 trust confidential information. See 2011 Cal. Stat. ch. 243, §§ 1, 3.

25 The substance of the repealed provision has been moved to Financial Code Section 1602.
26 *Compare* former Fin. Code § 1582 (1996 Cal. Stat. ch. 1064, § 212) *with* Fin. Code § 1602.
27 Accordingly, proposed Section 7930.205 would refer to Financial Code Section 1602, instead of
28 Financial Code Section 1582.

29 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
30 **especially appreciate public comment on this matter.**

31 **§ 7930.210. From “Unclaimed property” to “Wards and dependent children”**

32 7930.210. The following provisions may operate to exempt certain records, or
33 portions thereof, from disclosure pursuant to this division:

34 Unclaimed property, Controller records of, disclosure, Section 1582, Code of
35 Civil Procedure.

36 Unemployment compensation, disclosure of confidential information, Section
37 2111, Unemployment Insurance Code.

38 Unemployment compensation, information obtained in administration of code,
39 Section 1094, Unemployment Insurance Code.

40 Unemployment fund contributions, publication of annual tax paid, Section 989,
41 Unemployment Insurance Code.

42 University of California, exemption from disclosure for information submitted by
43 bidders for award of best value contracts, Section 10506.6, Public Contract Code.

44 Unsafe working condition, confidentiality of complainant, Section 6309, Labor
45 Code.

1 Use fuel tax information, disclosure prohibited, Section 9255, Revenue and
2 Taxation Code.

3 Utility systems development, confidential information, Section 7927.300.

4 Utility user tax return and payment records, exemption from disclosure, Section
5 7284.6, Revenue and Taxation Code.

6 Vehicle registration, confidentiality of information, Section 4750.4, Vehicle
7 Code.

8 Vehicle accident reports, disclosure of, Sections 16005, 20012, and 20014,
9 Vehicle Code and Section 27177, Streets and Highways Code.

10 Vehicular offense, record of, confidentiality five years after conviction, Section
11 1807.5, Vehicle Code.

12 Veterans Affairs, Department of, confidentiality of records of contract purchasers,
13 Section 85, Military and Veterans Code.

14 Veterinarian or animal health technician, alcohol or dangerous drugs diversion
15 and rehabilitation records, confidentiality of, Section 4871, Business and
16 Professions Code.

17 Victims' Legal Resource Center, confidentiality of information and records
18 retained, Section 13897.2, Penal Code.

19 Voter, affidavit or registration, confidentiality of information contained in,
20 Section 7924.000.

21 Voter, registration by confidential affidavit, Section 2194, Elections Code.

22 Voting, secrecy, Section 1050, Evidence Code.

23 Wards and dependent children, inspection of juvenile court documents, Section
24 827, Welfare and Institutions Code.

25 **Comment.** Section 7930.210 continues former Section 6276.46 without substantive change. For
26 the source of the introductory clause, see the third sentence of former Section 6275 ("The statutes
27 and constitutional provisions listed in this article may operate to exempt certain records, or portions
28 thereof, from disclosure."). That sentence is continued without substantive change in Section
29 7930.000 and essentially repeated in each section in this chapter.

30 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
31 7930.005 (scope and effect of index). For special rules in the California Public Records Act
32 ("CPRA") that apply to specific types of public records, see Sections 7923.600-7929.600. For the
33 CPRA catch-all exemption, see Section 7922.000.

34 **§ 7930.215. From "Wards" to "Youth Authority"**

35 7930.215. The following provisions may operate to exempt certain records, or
36 portions thereof, from disclosure pursuant to this division:

37 Wards, petition for sealing records, Section 781, Welfare and Institutions Code.

38 Winegrowers of California Commission, confidentiality of producers' or
39 vintners' proprietary information, Sections 74655 and 74955, Food and Agricultural
40 Code.

41 Workers' Compensation Appeals Board, injury or illness report, confidentiality
42 of, Section 6412, Labor Code.

1 Workers' compensation insurance, dividend payment to policyholder,
2 confidentiality of information, Section 11739, Insurance Code.

3 Workers' compensation insurance fraud reporting, confidentiality of information,
4 Section 1877.4, Insurance Code.

5 Workers' compensation insurer or rating organization, confidentiality of notice of
6 noncompliance, Section 11754, Insurance Code.

7 Workers' compensation insurer, rating information, confidentiality of, Section
8 11752.7, Insurance Code.

9 Workers' compensation, notice to correct noncompliance, Section 11754,
10 Insurance Code.

11 Workers' compensation, release of information to other governmental agencies,
12 Section 11752.5, Insurance Code.

13 Workers' compensation, self-insured employers, confidentiality of financial
14 information, Section 3742, Labor Code.

15 Workplace inspection photographs, confidentiality of, Section 6314, Labor Code.

16 Youth Authority, parole revocation proceedings, confidentiality of, Section
17 1767.6, Welfare and Institutions Code.

18 Youth Authority, release of information in possession of Youth Authority for
19 offenses under Sections 676, 1764.1, and 1764.2, Welfare and Institutions Code.

20 **Comment.** Section 7930.215 continues former Section 6276.48 without substantive change. For
21 the source of the introductory clause, see the third sentence of former Section 6275 ("The statutes
22 and constitutional provisions listed in this article may operate to exempt certain records, or portions
23 thereof, from disclosure."). That sentence is continued without substantive change in Section
24 7930.000 and essentially repeated in each section in this chapter.

25 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
26 7930.005 (scope and effect of index). For special rules in the California Public Records Act
27 ("CPRA") that apply to specific types of public records, see Sections 7923.600-7929.600. For the
28 CPRA catch-all exemption, see Section 7922.000.

29 **UNCODIFIED**

30 **Legislative findings**

31 SEC. _____. This act would recodify the California Public Records Act (Sections
32 6250 to 6276.48, inclusive, of the Government Code) in a more user-friendly
33 manner without changing its substance, and make conforming revisions. Consistent
34 with subdivision (b) of Section 3 of Article I of the California Constitution, the
35 Legislature finds and declares:

36 (1) This act continues the existing substantive balance between the public's right
37 of access to information concerning the conduct of public business and competing
38 interests. This act does not impose any new limitation on the public's right of access,
39 which would require findings demonstrating the interest protected by the new
40 limitation and the need for protecting that interest.

1 (2) By making the California Public Records Act more user-friendly, this act
2 furthers the public’s right of access to information concerning the conduct of public
3 business.

4 **Operative date**

5 SEC. _____. This act becomes operative on _____.

DISPOSITION OF FORMER LAW

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

Existing Provision(s)	Proposed Provision(s)	Existing Provision(s)	Proposed Provision(s)
6250-6276.48.....	7920.000-7930.215	6253.9	7922.570-7922.580
6250	7921.000	6253.9 intro cl 1st part	7922.570(a)
6251	7920.000	6253.9 intro cl 2d part	7922.570(b)
6252(a).....	7920.510	6253.9(a)(1)	7922.570(b)
6252(b)	7920.515	6253.9(a)(2) 1st sent	7922.570(b)
6252(c).....	7920.520	6253.9(a)(2) 2d sent	7922.575(a)
6252(d)	7920.525(a)	6253.9(b).....	7922.575(b)
6252(e).....	7920.530	6253.9(c).....	7922.580(a)
6252(f)	7920.540	6253.9(d).....	7922.570(c)
6252(g)	7920.550	6253.9(e).....	7922.580(b)
6252.5	7921.305	6253.9(f)	7922.580(c)
6252.6	7927.420	6253.9(g).....	7922.580(d)
6252.7	7921.310	6253.10	7922.680
6253(a).....	7922.525	6254(a)	7927.500
6253(a) 1st sent.....	7922.525(a)	6254(b).....	7927.200
6253(a) 2d sent	7922.525(b)	6254(c)	7927.700
6253(b)	7922.530	6254(d).....	7929.000
6253(c).....	7922.535	6254(e).....	7927.300
6253(c) 1st, 4th sent	7922.535(a)	6254(f)	7923.600-7923.625
6253(c) 2d, 3d sent	7922.535(b)	6254(f) 1st sent	7923.600(a)
6253(c) 5th sent	7922.535(c)	6254(f) 2d sent	7923.605(a)
6253(d) 1st sent	7922.500	6254(f) 3d sent	7923.605(b)
6253(d) 2d sent	7922.540(b)	6254(f) 2d ¶	7923.600(b)
6253(e).....	7922.505	6254(f) 3d ¶	7923.610, 7923.615(a), 7923.620(a)
6253(f) 1st sent	7922.545(a)	6254(f)(1).....	7923.610
6253(f) 2d sent	7922.545(b)	6254(f)(2)(A) 1st sent	7923.615(a)
6253.1(a)-(c).....	7922.600	6254(f)(2)(A) 2d, 3d sent	7923.615(b)
6253.1(d)	7922.605	6254(f)(2)(B)	7923.615(c)
6253.2	7926.300	6254(f)(3) 1st, 2d sent.....	7923.620(a)
6253.3	7921.005	6254(f)(3) 3d sent	7923.620(b)
6253.31	7928.700	6254(f)(3) 4th sent	7923.620(c)
6253.4(a) 1st ¶	7922.630	6254(f)(4)	7923.625
6253.4(a) 2d ¶	7922.635	6254(g).....	7929.605
6253.4(b)	7922.640	6254(h).....	7928.705
6253.5	7924.100-7924.110	6254(i).....	7925.000
6253.5(a) 1st sent.....	7924.110(a)-(b)	6254(j).....	7927.100
6253.5(a) 2d sent	7924.110(c)	6254(k).....	7927.705
6253.5(b)	7924.110(d)	6254 (l)	7928.000
6253.5(c).....	7924.100	6254(m).....	7928.100
6253.5(d)	7924.105	6254(n).....	7925.005
6253.6	7924.005	6254(o).....	7924.505
6253.8(a)-(e).....	7924.900	6254(p)(1)	7928.405
6253.8(f)	not cont'd		

Existing Provision(s)	Proposed Provision(s)	Existing Provision(s)	Proposed Provision(s)
6254(p)(2).....	7928.410	6254.2(j).....	7924.320
6254(q)(1).....	7926.220(a)	6254.2(k).....	7924.310(c)
6254(q)(2).....	7926.220(b)	6254.2(l).....	7924.330
6254(q)(3).....	7926.220(c)	6254.2(m).....	7924.305(e)
6254(q)(4).....	7926.220(d)	6254.2(n).....	7924.325
6254(r).....	7927.000	6254.3.....	7928.300
6254(s).....	7926.000	6254.4.....	7924.000
6254(t).....	7926.210	6254.4.5.....	7923.750
6254(u)(1).....	7923.800	6254.5.....	7921.505
6254(u)(2)-(3).....	7923.805	6254.5 1st sent.....	7921.505(b)
6254(v)(1).....	7926.225(a)	6254.5 2d sent.....	7921.505(a)
6254(v)(2).....	7926.225(b)	6254.5(a)-(i).....	7921.505(c)
6254(v)(3).....	7926.225(c)	6254.6.....	7927.600
6254(v)(4).....	7926.225(d)	6254.7 (except (c)).....	7924.510
6254(w).....	7926.235	6254.7(a).....	7924.510(a)
6254(w)(1).....	7926.235(a)	6254.7(b).....	7924.510(b)
6254(w)(2).....	7926.235(b)	6254.7(c).....	7924.700
6254(w)(3).....	7926.235(c)	6254.7(d) 1st sent.....	7924.510(c)
6254(x).....	7925.010	6254.7(d) 2d sent.....	7924.510(f)
6254(y)(1).....	7926.230(a)	6254.7(e).....	7924.510(d)
6254(y)(2).....	7926.230(b)	6254.7(f).....	7924.510(e)
6254(y)(3).....	7926.230(c)	6254.8.....	7928.400
6254(y)(4).....	7926.230(d)	6254.9.....	7922.585
6254(y)(5).....	7926.230(e)	6254.10.....	7927.005
6254(z).....	7923.700	6254.11.....	7924.500
6254(aa).....	7929.200	6254.12.....	7929.005
6254(ab).....	7929.205	6254.13.....	7929.610
6254(ab) 1st sent.....	7929.205(b)	6254.14(a).....	7926.215
6254(ab) 2d sent.....	7929.205(a)	6254.14(a)(1).....	7926.215(a)
6254(ab) 3d sent.....	7929.205(c)	6254.14(a)(2).....	7926.215(b)
6254(ac).....	7926.100	6254.14(a)(3).....	7926.215(c)
6254(ad).....	7929.400-7929.430	6254.14(a)(4).....	7926.215(d)
6254(ad)(1).....	7929.400	6254.14(a)(5).....	7926.215(e)
6254(ad)(2).....	7929.405	6254.14(b).....	7926.220(d), 7926.225(d), 7926.230(d)
6254(ad)(3).....	7929.410	6254.15.....	7927.605
6254(ad)(4).....	7929.415	6254.16.....	7927.410
6254(ad)(5).....	7929.420	6254.17.....	7923.755
6254(ad)(6).....	7929.425	6254.18.....	7926.400-7926.430
6254(ad)(7).....	7929.430	6254.18(a).....	7926.405
6254 next-to-last ¶.....	7921.500	6254.18(b).....	7926.400
6254 last ¶ (unlabeled).....	7926.200	6254.18(b)(1).....	7926.400(a)
6254.1(a).....	7927.415	6254.18(b)(2).....	7926.400(b)
6254.1(b).....	7927.405	6254.18(b)(3).....	7926.400(c)
6254.1(c).....	7929.600	6254.18(b)(4).....	7926.400(d)
6254.2.....	7924.300-7924.335	6254.18(c).....	7926.410
6254.2(a).....	7924.300	6254.18(d).....	7926.415
6254.2(b).....	7924.305(a)	6254.18(d) 1st sent.....	7926.415(a)
6254.2(c).....	7924.305(b)	6254.18(d) 2d sent.....	7926.415(c)
6254.2(d).....	7924.305(c)	6254.18(d) 3d sent.....	7926.415(b)
6254.2(e).....	7924.305(d)	6254.18(e).....	7926.420
6254.2(f).....	7924.305(f)	6254.18(f).....	7926.425
6254.2(g).....	7924.335	6254.18(g).....	7926.430
6254.2(h).....	7924.310(a)-(b)	6254.19.....	7929.210
6254.2(i).....	7924.315		

Existing Provision(s)	Proposed Provision(s)	Existing Provision(s)	Proposed Provision(s)
6254.20	7927.400	6261	7928.720
6254.21 (except (f))	7928.200-7928.230	6262	7923.650
6254.21(a)	7928.205	6263	7921.700
6254.21(b)	7928.210	6264	7921.705
6254.21(c)	7928.215-7928.225	6265	7921.710
6254.21(c)(1)	7928.215	6267	7927.105
6254.21(c)(1)(A)	7928.215(b)	6268	7928.005, 7928.010
6254.21(c)(1)(B)	7928.215(c)	6268(a)	7928.005
6254.21(c)(1)(C)	7928.215(d)	6268(b)	7928.010(a)
6254.21(c)(1)(D)	7928.215(e)	6268(c)	7928.010(b)
6254.21(c)(1)(E)	7928.215(a)	6268.5	7928.015
6254.21(c)(2)	7928.225	6270	7921.010
6254.21(c)(3)	7928.220	6270.5	7922.700-7922.725
6254.21(d)	7928.230	6270.5(a) 1st sent	7922.710(a)
6254.21(e)	7928.200(a)	6270.5(a) 2d sent	7922.715(a)
6254.21(f)	7920.500	6270.5(a) 3d sent	7922.715(b)
6254.21(g)	7928.200(b)	6270.5(a) 4th sent	7922.720(a), (b)
6254.22	7926.205	6270.5(b)	7922.725(a)
6254.22 1st sent	7926.205(a)	6270.5(c)(1)	7922.700(a)
6254.22 2d sent	7926.205(b)	6270.5(c)(2)	7922.705
6254.22 3d & 4th sent	7926.205(c)	6270.5(c)(3)	7922.700(b)
6254.23	7929.215	6270.5(d)	7922.725(b)
6254.24	7920.535	6270.5(e)	7922.720(c)
6254.25	7927.205	6270.5(f)	7922.710(b)
6254.26	7928.710	6270.6	7928.800
6254.26(a)	7928.710(b)	6270.7	7926.500
6254.26(b)	7928.710(c)	6275-6276.48	7930.000-7930.215
6254.26(c)	7928.710(a)	6275	7930.000
6254.27	7922.205	6276	7930.005
6254.28	7922.210	6276.01	7930.100
6254.29	7922.200	6276.02	7930.105
6254.30	7923.655	6276.04	7930.110
6254.30 1st sent	7923.655(a)	6276.06	7930.115
6254.30 2d sent	7923.655(b)	6276.08	7930.120
6254.33	7928.715	6276.10	7930.125
6255(a)	7922.000	6276.12	7930.130
6255(b)	7922.540(a)	6276.14	7930.135
6257.5	7921.300	6276.16	7930.140
6258 1st sent	7923.000	6276.18	7930.145
6258 2d sent	7923.005	6276.22	7930.150
6259(a) 1st sent	7923.100	6276.24	7930.155
6259(a) 2d sent	7923.105	6276.26	7930.160
6259(b)	7923.110	6276.28	7930.165
6259 (except (c) 1st sent intro cl)	7923.100- 7923.510	6276.30	7930.170
6259(c) 1st sent intro cl	not cont'd	6276.32	7930.175
6259(c) 1st sent remainder	7923.500	6276.34	7930.180
6259(c) 2d sent	7923.505(a)	6276.36	7930.185
6259(c) 3d sent	7923.505(b)	6276.38	7930.190
6259(c) 4th sent	7923.510	6276.40	7930.195
6259(c) 5th sent	7923.120	6276.42	7930.200
6259(d)	7923.115(a)-(b)	6276.44	7930.205
6259(e)	7923.115(c)	6276.46	7930.210
6260	7920.200	6276.48	7930.215

DERIVATION OF NEW LAW

Note. This table shows the derivation of each proposed provision in this draft. Unless otherwise indicated, all statutory references are to the Government Code.

Proposed Provision(s)	Existing Provision(s)	Proposed Provision(s)	Existing Provision(s)
7920.000	6251	7922.535(c)	6253(c) 5th sent
7920.005	new	7922.540(a)	6255(b)
7920.100	new	7922.540(b)	6253(d) 2d sent
7920.105	new	7922.540(c)	new
7920.110	new	7922.545	6253(f)
7920.115	new	7922.545(a)	6253(f) 1st sent
7920.120	new	7922.545(b)	6253(f) 2d sent
7920.200	6260	7922.570-7922.580	6253.9
7920.500	6254.21(f)	7922.570(a)	6253.9 intro cl 1st part
7920.505	new	7922.570(b)	6253.9 intro cl 2d part,
7920.510	6252(a)		(a)(1), (a)(2) 1st sent
7920.515	6252(b)	7922.570(c)	6253.9(d)
7920.520	6252(c)	7922.575(a)	6253.9(a)(2) 2d sent
7920.525(a)	6252(d)	7922.575(b)	6253.9(b)
7920.525(b)	new	7922.580(a)	6253.9(c)
7920.530	6252(e)	7922.580(b)	6253.9(e)
7920.535	6254.24	7922.580(c)	6253.9(f)
7920.540	6252(f)	7922.580(d)	6253.9(g)
7920.545	new	7922.585	6254.9
7920.550	6252(g)	7922.600	6253.1(a)-(c)
7921.000	6250	7922.605	6253.1(d)
7921.005	6253.3	7922.630	6253.4(a) 1st ¶
7921.010	6270	7922.635	6253.4(a) 2d ¶
7921.300	6257.5	7922.640	6253.4(b)
7921.305	6252.5	7922.680	6253.10
7921.310	6252.7	7922.700-7922.725	6270.5
7921.500	6254 next-to-last ¶	7922.700(a)	6270.5(c)(1)
7921.505	6254.5	7922.700(b)	6270.5(c)(3)
7921.505(a)	6254.5 2d sent	7922.705	6270.5(c)(2)
7921.505(b)	6254.5 1st sent	7922.710(a)	6270.5(a) 1st sent
7921.505(c)	6254.5(a)-(i)	7922.710(b)	6270.5(f)
7921.700	6263	7922.715(a)	6270.5(a) 2d sent
7921.705	6264	7922.715(b)	6270.5(a) 3d sent
7921.710	6265	7922.720(a), (b)	6270.5(a) 4th sent
7922.000	6255(a)	7922.720(c)	6270.5(e)
7922.200	6254.29	7922.725(a)	6270.5(b)
7922.205	6254.27	7922.725(b)	6270.5(d)
7922.210	6254.28	7923.000	6258 1st sent
7922.500	6253(d) 1st sent	7923.005	6258 2d sent
7922.505	6253(e)	7923.100-7923.510	6259(d) (except (c)
7922.525	6253(a)		1st sent intro cl)
7922.525(a)	6253(a) 1st sent	7923.100	6259(a) 1st sent
7922.525(b)	6253(a) 2d sent	7923.105	6259(a) 2d sent
7922.530	6253(b)	7923.110	6259(b)
7922.535	6253(c)	7923.115(a)-(b)	6259(d)
7922.535(a)	6253(c) 1st, 4th sent	7923.115(c)	6259(e)
7922.535(b)	6253(c) 2d, 3d sent	7923.120	6259(c) 5th sent

Proposed Provision(s)	Existing Provision(s)	Proposed Provision(s)	Existing Provision(s)
7923.500	6259(c) 1st sent	7924.510	6254.7 (except (c))
7923.505(a)	6259(c) 2d sent	7924.510(a)	6254.7(a)
7923.505(b)	6259(c) 3d sent	7924.510(b)	6254.7(b)
7923.510	6259(c) 4th sent	7924.510(c)	6254.7(d) 1st sent
7923.600-7923.625	6254(f)	7924.510(d)	6254.7(e)
7923.600(a)	6254(f) 1st sent	7924.510(e)	6254.7(f)
7923.600(b)	6254(f) 2d ¶	7924.510(f)	6254.7(d) 2d sent
7923.605(a)	6254(f) 2d sent	7924.700	6254.7(c)
7923.605(b)	6254(f) 3d sent	7924.900	6253.8(a)-(e)
7923.610	6254(f) 3d ¶ (re 6254(f)(1)), 6254(f)(1)	7925.000	6254(i)
7923.615(a)	6254(f) 3d ¶ (re 6254(f)(2)), 6254(f)(2)(A) 1st sent	7925.005	6254(n)
7923.615(b)	6254(f)(2)(A) 2d, 3d sent	7925.010	6254(x)
7923.615(c)	6254(f)(2)(B)	7926.000	6254(s)
7923.620(a)	6254(f) 3d ¶ (re 6254(f)(3)), 6254(f)(3) 1st, 2d sent	7926.100	6254(ac)
7923.620(b)	6254(f)(3) 3d sent	7926.200	6254 last ¶ (unlabeled)
7923.620(c)	6254(f)(3) 4th sent	7926.205	6254.22
7923.625	6254(f)(4)	7926.205(a)	6254.22 1st sent
7923.650	6262	7926.205(b)	6254.22 2d sent
7923.655	6254.30	7926.205(c)	6254.22 3d & 4th sent
7923.655(a)	6254.30 1st sent	7926.210	6254(t)
7923.655(b)	6254.30 2d sent	7926.215	6254.14(a)
7923.700	6254(z)	7926.215(a)	6254.14(a)(1)
7923.750	6254.4.5	7926.215(b)	6254.14(a)(2)
7923.755	6254.17	7926.215(c)	6254.14(a)(3)
7923.800-7923.805	6254(u)	7926.215(d)	6254.14(a)(4)
7923.800	6254(u)(1)	7926.215(e)	6254.14(a)(5)
7923.805	6254(u)(2)-(3)	7926.220(a)	6254(q)(1)
7924.000	6254.4	7926.220(b)	6254(q)(2)
7924.005	6253.6	7926.220(c)	6254(q)(3)
7924.100	6253.5(c)	7926.220(d)	6254(q)(4), 6254.14(b) (re 6254(q))
7924.105	6253.5(d)	7926.225(a)	6254(v)(1)
7924.110(a)-(b)	6253.5(a) 1st sent	7926.225(b)	6254(v)(2)
7924.110(c)	6253.5(a) 2d sent	7926.225(c)	6254(v)(3)
7924.110(d)	6253.5(b)	7926.225(d)	6254(v)(4), 6254.14(b) (re 6254(v))
7924.300-7924.335	6254.2	7926.230(a)	6254(y)(1)
7924.300	6254.2(a)	7926.230(b)	6254(y)(2)
7924.305(a)	6254.2(b)	7926.230(c)	6254(y)(3)
7924.305(b)	6254.2(c)	7926.230(d)	6254(y)(4), 6254.14(b)(re 6254(y))
7924.305(c)	6254.2(d)	7926.230(e)	6254(y)(5)
7924.305(d)	6254.2(e)	7926.235	6254(w)
7924.305(e)	6254.2(m)	7926.235(a)	6254(w)(1)
7924.305(f)	6254.2(f)	7926.235(b)	6254(w)(2)
7924.310(a)-(b)	6254.2(h)	7926.235(c)	6254(w)(3)
7924.310(c)	6254.2(k)	7926.300	6253.2
7924.315	6254.2(i)	7926.400-7926.430	6254.18
7924.320	6254.2(j)	7926.400	6254.18(b)
7924.325	6254.2(n)	7926.400(a)	6254.18(b)(1)
7924.330	6254.2(l)	7926.400(b)	6254.18(b)(2)
7924.335	6254.2(g)	7926.400(c)	6254.18(b)(3)
7924.500	6254.11	7926.400(d)	6254.18(b)(4)
7924.505	6254(o)	7926.405	6254.18(a)

Proposed Provision(s)	Existing Provision(s)	Proposed Provision(s)	Existing Provision(s)
7926.410	6254.18(c)	7928.705	6254(h)
7926.415	6254.18(d)	7928.710(a)	6254.26(c)
7926.415(a)	6254.18(d) 1st sent	7928.710(b)	6254.26(a)
7926.415(b)	6254.18(d) 3d sent	7928.710(c)	6254.26(b)
7926.415(c)	6254.18(d) 2d sent	7928.715	6254.33
7926.420	6254.18(e)	7928.720	6261
7926.425	6254.18(f)	7928.800	6270.6
7926.430	6254.18(g)	7929.000	6254(d)
7926.500	6270.7	7929.005	6254.12
7927.000	6254(r)	7929.200	6254(aa)
7927.005	6254.10	7929.205	6254(ab)
7927.100	6254(j)	7929.205(a)	6254(ab) 2d sent
7927.105	6267	7929.205(b)	6254(ab) 1st sent
7927.200	6254(b)	7929.205(c)	6254(ab) 3d sent
7927.205	6254.25	7929.210	6254.19
7927.300	6254(e)	7929.215	6254.23
7927.400	6254.20	7929.400-7929.430	6254(ad)
7927.405	6254.1(b)	7929.400	6254(ad)(1)
7927.410	6254.16	7929.405	6254(ad)(2)
7927.415	6254.1(a)	7929.410	6254(ad)(3)
7927.420	6252.6	7929.415	6254(ad)(4)
7927.500	6254(a)	7929.420	6254(ad)(5)
7927.600	6254.6	7929.425	6254(ad)(6)
7927.605	6254.15	7929.430	6254(ad)(7)
7927.700	6254(c)	7929.600	6254.1(c)
7927.705	6254(k)	7929.605	6254(g)
7928.000	6254 (l)	7929.610	6254.13
7928.005	6268(a)	7930.000	6275
7928.010-7928.015	6268	7930.005	6276
7928.010(a)	6268(b)	7930.100-7930.215	6275-6276.48
7928.010(b)	6268(c)	7930.100	6276.01
7928.015	6268.5	7930.105	6276.02
7928.100	6254(m)	7930.110	6276.04
7928.200-7928.230	6254.21 (except (f))	7930.115	6276.06
7928.200(a)	6254.21(e)	7930.120	6276.08
7928.200(b)	6254.21(g)	7930.125	6276.10
7928.205	6254.21(a)	7930.130	6276.12
7928.210	6254.21(b)	7930.135	6276.14
7928.215-7928.225	6254.21(c)	7930.140	6276.16
7928.215	6254.21(c)(1)	7930.145	6276.18
7928.215(a)	6254.21(c)(1)(E)	7930.150	6276.22
7928.215(b)	6254.21(c)(1)(A)	7930.155	6276.24
7928.215(c)	6254.21(c)(1)(B)	7930.160	6276.26
7928.215(d)	6254.21(c)(1)(C)	7930.165	6276.28
7928.215(e)	6254.21(c)(1)(D)	7930.170	6276.30
7928.220	6254.21(c)(3)	7930.175	6276.32
7928.225	6254.21(c)(2)	7930.180	6276.34
7928.230	6254.21(d)	7930.185	6276.36
7928.300	6254.3	7930.190	6276.38
7928.400	6254.8	7930.195	6276.40
7928.405	6254(p)(1)	7930.200	6276.42
7928.410	6254(p)(2)	7930.205	6276.44
7928.700	6253.31	7930.210	6276.46
		7930.215	6276.48

APPENDIX A. CORRECTED CROSS-REFERENCES

In tentatively reorganizing 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 7920.510 (continuing the substance of Section 6252(a)) would correct this problem by referring instead to “subdivision (c) or (d) of Section 54952.”²
- Section 6253.2 cross-refers to Welfare and Institutions Code Section 12302.25. The 2018 maintenance of the codes bill amended Section 6253.2 to cross-refer to Welfare and Institutions Code Section 12302.25 instead of Section 12302.5,³ but that amendment was chaptered out by another bill.⁴ Proposed Section 7926.300 would incorporate the cross-reference correction that the Legislature approved in the 2018 maintenance of the codes bill.
- Section 6254(f) contains two cross-references to Penal Code Section 288a. In 2018, Penal Code Section 288a was renumbered as Penal Code Section 287.⁵ Proposed Sections 7923.615 and 7923.620 would continue the part of Section 6254(f) in question, with revisions to reflect the renumbering of Penal Code Section 288a.
- Section 6254(v)(1) and (v)(2) cross-refer to “Part 6.3 (commencing with Section 12695)” and “Part 6.5 (commencing with Section 12700)” of Division 2 of the Insurance Code,” which have been repealed pursuant to sunset provisions.⁶ Subdivisions (a) and (b) of proposed Section 7926.225 (continuing the substance of Section 6254(v)(1) and (v)(2)) would update those cross-references by referring to “former Part 6.3 (commencing with

1. Emphasis added.

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

3. See 2018 Cal. Stat. ch. 92, § 87 (SB 1289 (Committee on Judiciary)).

4. See Section 9605 (bill conflict rules); 2018 Cal. Stat. ch. 35, § 4 (Committee on Budget); 2018 Cal. Stat. ch. 92, § 246 (subordination clause in maintenance of codes bill).

5. See 2018 Cal. Stat. ch. 423, § 49 (SB 1494 (Committee on Public Safety)).

6. See 2014 Cal. Stat. ch. 31, §§ 36 (former Ins. Code § 12699.15), 38 (former Ins. Code § 12701).

Section 12695)” and “former Part 6.5 (commencing with Section 12700)” of Division 2 of the Insurance Code”⁷

- Section 6254(y)(1), (y)(2) and (y)(5) cross-refer to “Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code,” which has been repealed pursuant to a sunset provision.⁸ Proposed Section 7926.230 (continuing the substance of Section 6254(y)) would update those cross-references by referring to “former Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code”⁹
- Section 6254.4(c) refers to “the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.) ...” However, the content of the federal Help America Vote Act was transferred to a new title of the federal code in 2012 (52 U.S.C. § 20901). Proposed Section 7924.000(b) (continuing the substance of 6254.4(c)) would update the cross-reference to reflect the relocation.
- Section 6254.18(f) says: “Within 90 days of separation of an employee, contractor, volunteer, board member, or officer of the reproductive health service facility who has *provided notice to a public agency pursuant to subdivision (c)*, the facility shall provide notice of the separation to the relevant agency or agencies.¹⁰ The notification requirement is currently located in subdivision (d), not in subdivision (c). Proposed Section 7926.425 would correct that problem by cross-referring to the provision that would continue the substance of subdivision (d) of Section 6254.18 (proposed Section 7926.415), instead of the provision that would continue the substance of subdivision (c).
- In defining “public safety official,” Section 6254.24(b) refers to a “public officer or other person listed in Sections 1808.2 *and* 1808.6 of the Vehicle Code.”¹¹ 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 7920.535(b) (continuing the substance of Section 6254.24(b)) would correct that problem by referring to “Section 1808.2 *or* 1808.6 of the Vehicle Code.”¹²
- 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 California Highway Patrol, federal, state, or a local detention facility, *and* a local juvenile hall, camp, ranch, or home”¹³ It seems improbable that the Legislature intended this provision to include as a “public safety official” only an employee who supervises

7. Emphasis added.

8. See 2014 Cal. Stat. ch. 31, § 37 (former Ins. Code § 12699.64).

9. Emphasis added.

10. Emphasis added.

11. Emphasis added.

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

13. Emphasis added.

inmates in one of the enumerated facilities for adults *and* in one of the enumerated facilities for juveniles. Thus, proposed Section 7920.535(g) (continuing the substance of Section 6254.24(g)) would refer instead to an employee “who supervises inmates in a city police department, a county sheriff’s office, the Department of California Highway Patrol, federal, state, or a local detention facility, *or* a local juvenile hall, camp, ranch, or home¹⁴

Section 6254.25 cross-refers to “subdivision (q) of Section 11126.” However, Section 11126 no longer has a subdivision (q); the material in question was relocated to subdivision (e) in 1996.¹⁵ Proposed Section 7927.205 (continuing the substance of Section 6254.25) would correct the erroneous cross-reference to “subdivision (q) of Section 11126.”

- The second sentence of Section 6268(c) says: “Records or writings shall not be transferred pursuant to *this paragraph* unless the institution receiving them agrees to maintain, and does maintain, the materials according to commonly accepted archival standards.”¹⁶ Section 6268(c) is not divided into paragraphs; the entire subdivision consists of a single paragraph, making the quoted reference to “this paragraph” (as opposed to “this subdivision”) slightly confusing.

Examination of the legislative history clarifies the situation. The material now labeled as subdivision (c) of Section 6268 used to be in an unlabeled paragraph of that section.¹⁷ The quoted reference to “this paragraph” was thus meant to refer to the entirety of what is now subdivision (c). Accordingly, proposed Section 7928.010(b)(2) (continuing the quoted sentence) would refer to the material continuing subdivision (c) — i.e., proposed Section 7928.010(b) or “this subdivision.”

- Sections 6276.01 to 6276.48 comprise an alphabetical list of CPRA exemptions located throughout the codes. Some of the entries in that list are obsolete and require revisions. For discussion of the obsolete entries and revisions made, see the Comments to proposed Sections 7930.100 to 7930.215.

14. Emphasis added.

15. See 1996 Cal. Stat. ch. 1041, § 5.

Additionally, the cross-referenced provision (Section 11126) appears to contain an inadvertent drafting error; some paragraph relabeling and related revisions seem necessary. The Commission will include a technical amendment of Section 11126 with the conforming revisions and repeals for its proposed recodification. For further discussion of this point, see CLRC Staff Memorandum 2017-50, pp. 11-16.

16. Emphasis added.

17. See 1988 Cal. Stat. ch. 503, § 1.

APPENDIX B. 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).¹⁸
- Consider whether to simplify the description in the first sentence of Section 6254.5 (proposed Section 7921.505(a)) of which exemptions are waived.¹⁹
- 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.²⁰

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

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

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

