

Memorandum 2018-10

**California Public Records Act Clean-Up:
Cumulative Draft of Material Previously Reviewed**

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

This memorandum, which is intended to be primarily informational, presents Parts 1 and 2 of that recodification, incorporating all Commission decisions to date much as they might appear in a tentative recommendation.³ The memorandum also includes a cumulative Disposition Table, a cumulative Derivation Table, a cumulative list of corrected cross-references, and a cumulative list of issues tentatively identified as "Minor Clean-Up Issues for Possible Future Legislative Attention."

Commissioners and other study participants may find it helpful to refer to the attached material when reviewing the drafts of Parts 3 and 4 that the staff plans to produce for the upcoming meeting.

Also, the draft of Parts 1 and 2 includes a number of "Notes." Some of these Notes were specifically requested by the Commission;⁴ other Notes briefly alert readers to key background information or a matter that may still require attention in the drafting process.⁵

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

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

2. Government Code Sections 6250-6276.48.

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

4. See *Draft Minutes* (Dec. 2017), pp. 5, 7 (specifically requesting Notes relating to proposed Sections 7920.505, 7920.530, and 7922.210).

5. See the Notes relating to proposed Sections 7920.005, 7920.500, 7920.520, 7920.535, 7921.310, and 7921.505.

Commissioners and other study participants may wish to review the Notes, to assess whether each one correctly implements the Commission's instructions or cogently provides other useful information that is worth flagging. **If you spot an issue of concern relating to the attached draft, please bring the point to the Commission's attention.** The staff is not currently planning to raise any aspect of this memorandum for discussion at the upcoming meeting.

Respectfully submitted,

Steve Cohen
Staff Counsel

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DRAFT LEGISLATION

1 **Note.** This is a work in progress. The material shown below may be changed. For a tentative
2 outline of new Division 10 of Title 1 of the Government Code, see CLRC Staff Memorandum
3 2018-9.

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

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

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

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

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

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

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

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

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

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

32 **DIVISION 10. INSPECTION OF PUBLIC RECORDS**

33 **PART 1. GENERAL PROVISIONS**

34 **CHAPTER 1. PRELIMINARY PROVISIONS**

35 **Article 1. Short Title**

36 **§ 7920.000. California Public Records Act**

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

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

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

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

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

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

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

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

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

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

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

36 Article 2. Effect of Recodification

37 **§ 7920.100. Nonsubstantive reform**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 **§ 7920.120. Constitutionality**

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

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

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

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

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

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

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

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

Article 3. Effect of Division

§ 7920.200. Effect of division

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

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

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

CHAPTER 2. DEFINITIONS

§ 7920.300. “Agency”

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

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

§ 7920.500. “Former Section 6254 provisions”

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

- (1) [Section 6254(a)]
 - (2) [Section 6254(b)]
 - (3) [Section 6254(c)]

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

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

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

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

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

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

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

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

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

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

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

20 **§ 7920.505. "Local agency"**

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

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

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

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

37 See Section 7920.520 ("public agency").

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

40 Those subdivisions provide:

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

42

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

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

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

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

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

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

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

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

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

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

29 **§ 7920.515. “Person”**

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

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

33 **§ 7920.520. “Public agency”**

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

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

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

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

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

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

1 6254.18....
2 (b) For purposes of this section, the following terms have the following meanings:
3
4 (3) “Public agency” means all of the following:
5 (A) The State Department of Health Care Services.
6 (B) The Department of Consumer Affairs.
7 (C) The Department of Managed Health Care.
8 (D) The State Department of Public Health.

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

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

18 **§ 7920.525. “Public records”**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 See Section 7920.515 ("person").

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

34 The cross-referenced Vehicle Code sections provide:

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

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

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

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

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

1 child's place of residence.

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

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

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

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

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

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

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

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

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

42
43 **§ 7920.535. "State agency"**

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

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

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

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

13 **§ 7920.540. “Writing”**

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

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

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

23 **CHAPTER 1. RIGHT TO INSPECT PUBLIC RECORDS**

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

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

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

31 **§ 7921.005. Right to inspect**

32 7921.005. Public records are open to inspection at all times during the office
33 hours of the state or local agency and every person has a right to inspect any
34 public record, except as hereafter provided.

35 **Comment.** Section 7921.005 continues the first sentence of former Section 6253(a) without
36 change.

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

§ 7921.010. Control of disclosure of information by another party

7921.010. A state or local agency may not allow another party to control the disclosure of information that is otherwise subject to disclosure pursuant to this division.

Comment. Section 7921.010 continues former Section 6253.3 without substantive change.

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

§ 7921.015. Providing public record to private entity

7921.015. (a) Notwithstanding any other provision of law, no state or local agency shall sell, exchange, furnish, or otherwise provide a public record subject to disclosure pursuant to this division to a private entity in a manner that prevents a state or local agency from providing the record directly pursuant to this division.

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

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

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

Comment. Section 7921.015 continues former Section 6270 without substantive change.

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

CHAPTER 2. GENERAL RULES GOVERNING DISCLOSURE

Article 1. Nondiscrimination

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

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

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

See Section 7920.525 (“public records”).

§ 7921.305. Access by elected member or officer of agency

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

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

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

1 See Sections 7920.505 (“local agency”), 7920.515 (“person”), 7920.525 (“public records”),
2 7920.535 (“state agency”).

3 **§ 7921.310. Nondiscrimination by local agency in disclosure to members of local legislative
4 body**

5 7921.310. Notwithstanding Section 7921.305 or any other provision of law,
6 when the members of a legislative body of a local agency are authorized to access
7 a writing of the body or of the agency as permitted by law in the administration of
8 their duties, the local agency, as defined in Section 54951, shall not discriminate
9 between or among any of those members as to which writing or portion thereof is
10 made available or when it is made available.

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

12 See Section 7920.525 (“writing”). See also Section 7920.505 (“local agency”); but see Section
13 54951 (“local agency”).

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

18 Article 2. Voluntary Disclosure

19 **§ 7921.500. Voluntary disclosure by agency**

20 7921.500. Unless disclosure is otherwise prohibited by law, the provisions listed
21 in Section 7920.500 do not prevent any agency from opening its records
22 concerning the administration of the agency to public inspection.

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

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

26 **§ 7921.505. Waiver of exemption based on disclosure**

27 7921.505. (a) Notwithstanding any other law, if a state or local agency discloses
28 to a member of the public a public record that is otherwise exempt from this
29 division, this disclosure constitutes a waiver of the exemptions specified in:

- 30 (1) The provisions listed in Section 7920.500.
31 (2) [Section 6254.7].

32 (3) Other similar provisions of law.

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

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

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

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

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

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

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

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

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

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

28 **Comment.** Subdivision (a) of Section 7921.505 continues the first sentence of former Section
29 6254.5 without substantive change.

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

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

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

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**

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
6 on the facts of the particular case the public interest served by not disclosing the
7 record clearly outweighs the public interest served by disclosure of the record.

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

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

10 **§ 7922.200. Redaction of SSN by local agency**

11 7922.200. (a) It is the intent of the Legislature that, in order to protect against
12 the risk of identity theft, a local agency shall redact social security numbers from a
13 record before disclosing the record to the public pursuant to this division.

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

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

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

18 See Section 7920.505 (“local agency”).

19 **§ 7922.205. Truncation of SSN by county recorder**

20 7922.205. Nothing in this division shall be construed to require the disclosure by
21 a county recorder of any “official record,” if a “public record” version of that
22 record is available pursuant to Article 3.5 (commencing with Section 27300) of
23 Chapter 6 of Part 3 of Division 2 of Title 3.

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

25 **§ 7922.210. Truncation of SSN with regard to secured transaction**

26 7922.210. Nothing in this division shall be construed to require the disclosure by
27 a filing office of any “official filing,” if a “public filing” version of that record is
28 available pursuant to Section 9526.5 of the Commercial Code.

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

30 The erroneous references to an “official record” and a “public record” in former Section
31 6254.28 have been replaced with references to an “official filing” and a “public filing,”
32 respectively, to conform to the terminology used in Commercial Code Section 9526.5. This is a
33 technical correction.

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

37 9526.5. (a) For purposes of this section, the following terms have the following

1 meanings:

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

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

7 This slight disconnect in terminology probably stems from Section 6254.27 (proposed Section
8 7922.205), which concerns disclosure of a record in the possession of a county recorder. The
9 article cross-referenced in that adjacent, very similar section *does* refer to both an “official
10 record” and a “public record.”

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

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

17

DISPOSITION OF EXISTING LAW

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

Existing Provision	Corresponding New Provision
6245, 2nd sent.....	7920.300
6250	7921.000
6251	7920.000
6252(a)	7920.505
6252(b)	7920.510
6252(c)	7920.515
6252(d)	7920.520(a)
6252(e)	7920.525
6252(f)	7920.535
6252(g)	7920.540
6252.5	7921.305
6252.7	7921.310
6253(a) 1st sent.....	7921.005
6253.3	7921.010
6254 next-to-last ¶	7921.500
6254.5 1st sent	7921.505(a)
6254.5(a)-(i).....	7921.505(b)
6254.24	7920.530
6254.27	7922.205
6254.28	7922.210
6254.29	7922.200
6255(a).....	7922.000
6257.5	7921.300
6260	7920.200
6270	7921.015

DERIVATION OF NEW LAW

Note. This table shows the derivation of each provision in the proposed CPRA Recodification Act of 2019. Unless otherwise indicated, all statutory references are to the Government Code.

Proposed New Provision	Corresponding Existing Provision
7920.000	6251
7920.005	new
7920.100	new
7920.105	new
7920.110	new
7920.115	new
7920.120	new
7920.200	6260
7920.300	6245, 2nd sent
7920.500	new
7920.505	6252(a)
7920.510	6252(b)
7920.515	6252(c)
7920.520(a)	6252(d)
7920.520(b)	new
7920.525	6252(e)
7920.530	6254.24
7920.535	6252(f)
7920.540	6252(g)
7921.000	6250
7921.005	6253(a) 1st sent
7921.010	6253.3
7921.015	6270
7921.300	6257.5
7921.305	6252.5
7921.310	6252.7
7921.500	6254 next-to-last ¶
7921.505(a).....	6254.5 1st sent
7921.505(b)	6254.5(a)-(i)
7922.000	6255(a)
7922.200	6254.29
7922.205	6254.27
7922.210	6254.28

CORRECTED CROSS-REFERENCES

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

Those instances are described in detail below.

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

1. Emphasis added.

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

3. Emphasis added.

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

MINOR CLEAN-UP ISSUES FOR POSSIBLE FUTURE LEGISLATIVE ATTENTION

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

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

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

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

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

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