

CALIFORNIA LAW REVISION COMMISSION

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 August 26, 2019.

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.

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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

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 (Section 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 have 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.

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 (7) Clearly express legislative intent without any change in the substantive
2 provisions¹⁴

3 An analysis for the Assembly Committee on Judiciary explained the need for
4 such a study:

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

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

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

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

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

19 **Scope of Study**

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

28 Later, however, the resolution was amended to instruct the Commission to
29 “study, report on, and prepare recommended legislation ... concerning the revision
30 of ... *the California Public Records Act and related provisions* ...”¹⁸ Given this
31 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
14 so.

15 **Nonsubstantive Reform**

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

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

26 ***Objective and Participatory Study Process***

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

- 29 • The Commission is neutral and objective, with a long history of nonpartisan
30 statutory reforms.²³

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 is experienced in drafting legislation to recodify a
2 complex body of law without substantive change.²⁴
- 3 • The Commission actively solicits input from affected individuals and
4 interest groups. It carefully considers each comment and often makes
5 revisions in response to concerns raised.
- 6 • In proposing a statutory reform, the Commission prepares a thorough report
7 that explains the purpose and effect of the reform. The report also includes a
8 complete draft of the proposed legislation and accompanying commentary, a
9 detailed table of contents, and a table showing the disposition of every
10 affected section. This report facilitates public review of the proposed
11 reform.
- 12 • The Commission’s work is transparent. All materials are publicly
13 distributed. All deliberations are conducted at open public meetings.²⁵

14 *Commission Comments*

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

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

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

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.

1 Commission materials that have been placed before and considered by the
2 Legislature are considered evidence of legislative intent,²⁸ and are entitled to great
3 weight in construing statutes.²⁹ The materials are a key interpretive aid for
4 practitioners as well as courts,³⁰ and courts may judicially notice and rely on
5 them.³¹ Courts at all levels of the state³² and federal³³ judicial systems use
6 Commission materials to construe statutes enacted on Commission
7 recommendation.³⁴

8 The Commission's Comments to the proposed legislation in this study would
9 thus help to demonstrate that the legislation constitutes a purely nonsubstantive
10 recodification 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 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).

1 **Statements of Legislative Intent**

2 The proposed law would be known as the “CPRA Recodification Act of
3 2020.”³⁵ It includes several codified provisions that would expressly state the
4 purpose and effect of the recodification.

5 Proposed Section 7920.100 is a general statement regarding the nonsubstantive
6 effect of the recodification:

7 7920.100. Nothing in the CPRA Recodification Act of 2020 is intended to
8 substantively change the law relating to inspection of public records. The act is
9 intended to be entirely nonsubstantive in effect. Every provision of this division
10 and every other provision of this act, including, without limitation, every cross-
11 reference in every provision of the act, shall be interpreted consistent with the
12 nonsubstantive intent of the act.

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

17 7920.105. (a) A provision of this division, or any other provision of the CPRA
18 Recodification Act of 2020, insofar as it is substantially the same as a previously
19 existing provision relating to the same subject matter, shall be considered as a
20 restatement and continuation thereof and not as a new enactment.

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

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

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

32 7920.110. (a) A judicial decision interpreting a previously existing provision is
33 relevant in interpreting any provision of this division, or any other provision of
34 the CPRA Recodification Act of 2020, which restates and continues that
35 previously existing provision.

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

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

35. See proposed Section 7920.005 *infra*.

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

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

8 7920.120. (a) A judicial decision or Attorney General opinion on the
9 constitutionality of a previously existing provision is relevant in determining the
10 constitutionality of any provision of this division, or any other provision of the
11 CPRA Recodification Act of 2020, which restates and continues that previously
12 existing provision.

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

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

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

26 In addition to these codified statements of legislative intent, the proposed
27 legislation includes an uncodified provision that sets forth the following legislative
28 findings:

29 This act would recodify the California Public Records Act (Sections 6250 to
30 6276.48, inclusive, of the Government Code) in a more user-friendly manner
31 without changing its substance, and make conforming revisions. Consistent with
32 subdivision (b) of Section 3 of Article I of the California Constitution, the
33 Legislature finds and declares:

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

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

42 These legislative findings would further reinforce the nonsubstantive nature of the
43 reform.

1 **Conservative Drafting**

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

5 The Commission was especially cautious with Section 6254(f), the exemption
6 pertaining to law enforcement records. Although that provision is particularly
7 complex and difficult to understand, the Commission refrained from attempting to
8 rephrase it more clearly.³⁶ Instead, to avoid generating concerns about a
9 substantive change, the proposed legislation would relocate the substance of
10 Section 6254(f) in a new article almost verbatim.³⁷ An adjacent article would
11 contain the substance of the related provisions previously mentioned (Sections
12 6254.30 and 6262).³⁸

13 **Legislative Process**

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

18 **Drafting Approach**

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

22 **Location of the Proposed Law**

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

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

30 To effectively reorganize the CPRA, it would be helpful to be able to divide the
31 material now in “Article 1. General Provisions” into various subcategories, placing

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.

1 similar provisions together. That would further the legislative objective to
2 “[o]rganize the existing provisions in such a way that similar provisions are
3 located in close proximity to one another.”⁴¹

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

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

11 ***Structure of the Proposed Law***

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

13 Part 1. General Provisions.

14 Part 2. Disclosure and Exemptions Generally.

15 Part 3. Procedures.

16 Part 4. Enforcement.

17 Part 5. Specific Types of Public Records.

18 Part 6. Other Exemptions From Disclosure.

19 The content of each part is described briefly below.

20 Proposed “Part 1. General Provisions”⁴⁴ consists of two chapters. “Chapter 1.
21 Preliminary Provisions” includes the short title of the law,⁴⁵ the statements of
22 legislative intent described above,⁴⁶ and a few other preliminary provisions.⁴⁷
23 “Chapter. 2. Definitions” consists of some definitions that apply to the entire
24 CPRA.⁴⁸ That chapter also includes (1) a signpost provision alerting readers to two
25 differing definitions of “trade secret” used in the CPRA,⁴⁹ (2) the definition of

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).

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*.

1 “elected or appointed official,” which is used in a CPRA-wide definition,⁵⁰ and (3)
2 a definition of “former Section 6254 provisions,” which will provide a convenient
3 means of collectively referring to the material that is currently located in Section
4 6254 (an unmanageably long section) but would be split up in the recodification.⁵¹
5 The definitions in “Chapter 2. Definitions” would be in alphabetical order. The
6 other definitions used in the CPRA have limited application and would remain in
7 close proximity to the substantive material to which they pertain.⁵²

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

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

23 Proposed “Part 4. Enforcement”⁶⁴ contains provisions relating to enforcement of
24 a CPRA request. It is divided into two chapters: (1) a chapter of general principles

50. See proposed Section 7920.500 *infra*.

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*.

1 relating to enforcement⁶⁵ and (2) a chapter of procedural provisions, which is
2 further subdivided into an article on superior court procedures⁶⁶ and an article on
3 writ review.⁶⁷

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

9 Lastly, proposed “Part 6. Other Exemptions From Disclosure”⁷¹ contains the
10 CPRA’s alphabetical index of exemptions,⁷² which is not substantive law but
11 rather a tool designed by the Legislature to assist CPRA users locate exemptions
12 scattered throughout the codes.⁷³ Part 6 would continue that index in essentially its
13 current, alphabetical format.⁷⁴ The Commission considered, but tentatively
14 rejected, other possibilities,⁷⁵ such as reorganizing the index by subject matter⁷⁶ or
15 relocating all of the exemptions into the CPRA (thus separating them from other
16 substantive provisions on the same subject matter).⁷⁷ **Comments on the optimal
17 format for the CPRA index would be especially helpful.**

65. Proposed Sections 7923.000-7923.005 *infra*.

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. The Commission checked each entry in the index and updated some problematic entries as noted in the Comments to proposed Sections 7930.105-7930.115, 7930.130-7930.135, 7930.145, and 7930.155-7930.205 *infra* and discussed in the accompanying Notes.

The Commission also added an entry for California’s constitutional right of privacy (Cal. Const. art. I, § 1), because it is so fundamental. See proposed Section 7930.100 *infra*.

The Commission did not attempt to find other provisions that should be added to the CPRA index. Such research would time-consuming and could significantly delay the progress of this study. It is not essential at this time, because the index is just a user guide (not substantive law) and does not purport to be exhaustive. See Sections 6275-6276 (proposed Sections 7930.000-7930.005 *infra*).

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

76. 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.”

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

1 **Numbering System**

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

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

9 **Short, Simple Sections**

10 The legislative resolution on this study instructs the Commission to “[r]educe
11 the length and complexity of current sections.”⁷⁸ The CPRA currently contains a
12 number of long and complicated sections, most notably Section 6254, which spans
13 eight singled-spaced pages if printed from the Legislative Counsel’s website
14 (5,583 words), with subdivisions labeled from (a) to (z) followed by (aa) to (ad),
15 some of which are split into paragraphs, subparagraphs, and even unnumbered
16 provisions.⁷⁹

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

21 Short sections have numerous advantages. They enhance readability and
22 understanding of the law, and make it easier to locate and refer to pertinent
23 material. In contrast to a long section, a short section can be amended without
24 undue technical difficulties⁸⁰ and new material can be inserted where logically
25 appropriate, facilitating sound development of the law.⁸¹ The use of short sections

78. 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).

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

80. 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.

81. 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.

1 is the preferred drafting technique of the California Code Commission,⁸² the
2 Legislature,⁸³ the Legislative Counsel,⁸⁴ and the Law Revision Commission.⁸⁵

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

6 *Signposting in Comments*

7 In the proposed legislation, the Comment accompanying each code section
8 would refer to other provisions (particularly within the CPRA) that may be of
9 interest to users.⁸⁶ This would help CPRA users locate material relevant to their
10 situations.

11 *Cross-References*

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

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

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

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

30 There are also many code sections located outside the CPRA that cross-refer to
31 one or more provisions within the CPRA. Those cross-references will also need to
32 be conformed to the new numbering scheme in the recodification. The

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

83. Joint Rule 8.

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

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

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

1 Commission will prepare and circulate a separate tentative recommendation with
2 those conforming revisions.

3 ***Pending and Future Legislation***

4 There are pending bills to revise the CPRA in one way or another.⁸⁷ If one or
5 more of those bills is enacted, the Commission will incorporate the substance of
6 the enacted bill(s) into the proposed recodification, without substantive change.

7 There are also pending bills that would affect provisions that are listed, or
8 should be listed, in the CPRA index.⁸⁸ If any of those bills is enacted, the
9 Commission will make an appropriate adjustment in the proposed continuation of
10 the CPRA index.

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

19 ***Delayed Operative Date***

20 Because of the breadth of the organizational changes that would be made by the
21 proposed legislation, the Commission recommends that it be given a delayed
22 operative date. The proposed legislation includes an uncodified provision to that
23 effect, which would delay the operation of the proposed law by six months (i.e.,
24 until July 1, 2021).⁸⁹

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

30 Although the proposed recodification would entail some transitional costs (such
31 as updating manuals and regulations), the Commission believes that the long-term
32 benefits of having a better organized, more user-friendly statutory scheme would

87. 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).

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

89. In general, a bill passed by the Legislature and signed by the Governor becomes operative on January 1 of the year after its enactment. See Cal. Const. art. IV, § 8(c)(1); Gov't Code § 9600(a).

For a variety of reasons, some bills specify a delayed operative date. See, e.g., *Preston v. State Bd. of Equalization*, 25 Cal. 4th 197, 223-24, 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).

1 soon outweigh those transitional costs. The CPRA would become more readily
2 accessible and understandable to laypersons and other persons using it, thus
3 furthering its underlying purposes. Importantly, the new statutory scheme would
4 also afford ample room for future refinement of the CPRA, promoting sound
5 development of the law.

6 **Request for Public Comment**

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

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

14 Comments from knowledgeable persons are invaluable in the Commission's
15 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, Chief Deputy Counsel (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 represents 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. The
42 same definition of “writing” is used in the Evidence Code. See Evid. Code § 250.

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 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control
11 over its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public
12 record, see Sections 7922.525 and 7922.530.

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

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

25 7921.005. A state or local agency may not allow another party to control the
26 disclosure of information that is otherwise subject to disclosure pursuant to this
27 division.

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

29 For a similar restriction, see Section 7921.010 (providing public record to private entity). For
30 legislative findings and declarations underlying the California Public Records Act (“CPRA”), see
31 Section 7921.000. For inspection and copying of a public record, see Sections 7922.525 and
32 7922.530.

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 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 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”), 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 inspection and copying of a public record, see Sections
17 7922.525 and 7922.530.

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
45 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over

1 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
2 see Sections 7922.525 and 7922.530.

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 See Section 7920.530 (“public records”).

7 **§ 7921.305. Access by elected member or officer of agency**

8 7921.305. (a) Notwithstanding the definition of “member of the public” in Section
9 7920.515, an elected member or officer of any state or local agency is entitled to
10 access to public records of that agency on the same basis as any other person.
11 Nothing in this section shall limit the ability of elected members or officers to access
12 public records permitted by law in the administration of their duties.

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

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

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

19 For 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 legislative findings and declarations underlying the CPRA, see Section 7921.000. For
25 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
26 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
27 see Sections 7922.525 and 7922.530.

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

31 See Sections 7920.510 (“local agency”), 7920.520 (“person”), 7920.530 (“public records”),
32 7920.540 (“state agency”).

33 **§ 7921.310. Nondiscrimination by local agency in disclosure to members of local legislative**
34 **body**

35 7921.310. Notwithstanding Section 7921.305 or any other provision of law, when
36 the members of a legislative body of a local agency are authorized to access a
37 writing of the body or of the agency as permitted by law in the administration of
38 their duties, the local agency, as defined in Section 54951, shall not discriminate
39 between or among any of those members as to which writing or portion thereof is
40 made available or when it is made available.

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

42 For other provisions that prohibit discrimination in disclosing information under the California
43 Public Records Act (“CPRA”), see Sections 7921.300 and 7921.305. For rules relating to voluntary
44 disclosure, see Sections 7921.500-7921.505. For rules that specifically address disclosure to a
45 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
7 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
8 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
9 see Sections 7922.525 and 7922.530.

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

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

19 Article 2. Voluntary Disclosure

20 § 7921.500. Voluntary disclosure by agency

21 7921.500. Unless disclosure is otherwise prohibited by law, the provisions listed
22 in Section 7920.505 do not prevent any agency from opening its records concerning
23 the administration of the agency to public inspection.

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

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

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

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

35 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For
36 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
37 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
38 see Sections 7922.525 and 7922.530.

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 7920.505 ("former Section 6254 provisions").

43 § 7921.505. Waiver of exemption based on disclosure

44 7921.505. (a) As used in this section, "agency" includes a member, agent, officer,
45 or employee of the agency acting within the scope of that membership, agency,
46 office, or employment.

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

4 (1) The provisions listed in Section 7920.505.

5 (2) Sections 7924.510 and 7924.700.

6 (3) Other similar provisions of law.

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

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

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

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

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

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

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

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

31 (8) A disclosure made by the Commissioner of Business Oversight under Section
32 450, 452, 8009, or 18396 of the Financial Code.

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

40 **Comment.** Subdivision (a) of Section 7921.505 continues the second sentence of former Section
41 6254.5 without substantive change.

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

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

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

5 For 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 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
11 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
12 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
13 see Sections 7922.525 and 7922.530.

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”), 7920.515 (“member of the public”), 7920.520
18 (“person”), 7920.530 (“public records”), 7920.540 (“state agency”), 7920.550 (“writing”).

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

23 Article 3. Disclosure to District Attorney and Related Matters

24 § 7921.700. Inspection or copying of public record by district attorney

25 7921.700. A state or local agency shall allow an inspection or copying of any
26 public record or class of public records not exempted by this division when
27 requested by a district attorney.

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

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

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

36 For 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 special rules relating to crimes, weapons, and law enforcement, see Sections 7923.600-
40 7923.805. For other special rules applicable to specific types of public records, see Sections
41 7924.000-7929.610; see also Sections 7930.000-7930.215 (alphabetical list of many CPRA
42 exemptions).

43 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For
44 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
45 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
46 see Sections 7922.525 and 7922.530.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 For 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 special rules relating to crimes, weapons, and law enforcement, see Sections 7923.600-
2 7923.805. For other special rules applicable to specific types of public records, see Sections
3 7924.000-7929.610; see also Sections 7930.000-7930.215 (alphabetical list of many CPRA
4 exemptions).

5 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For
6 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
7 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
8 see Sections 7922.525 and 7922.530.

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 See Sections 7920.510 ("local agency"), 7920.530 ("public records"), 7920.540 ("state agency").

13 § 7921.710. Effect of disclosure to district attorney

14 7921.710. Disclosure of records to a district attorney under the provisions of this
15 division shall effect no change in the status of the records under any other provision
16 of law.

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

18 For a district attorney's right to inspect or copy public records, see Section 7921.700. For
19 enforcement of that right, see Section 7921.705. For a special rule governing a request by a district
20 attorney for records of a complaint to, or an investigation conducted by, a state or local agency for
21 licensing purposes, see Section 7923.650.

22 For rules relating to voluntary disclosure of a public record under the California Public Records
23 Act ("CPRA"), see Sections 7921.500-7921.505. For provisions that prohibit discrimination in
24 disclosing information under the CPRA, see Sections 7921.300-7921.310.

25 For 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 special rules relating to crimes, weapons, and law enforcement, see Sections 7923.600-
29 7923.805. For other special rules applicable to specific types of public records, see Sections
30 7924.000-7929.610; see also Sections 7930.000-7930.215 (alphabetical list of many CPRA
31 exemptions).

32 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For
33 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
34 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
35 see Sections 7922.525 and 7922.530.

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 CHAPTER 3. GENERAL RULES GOVERNING EXEMPTIONS FROM DISCLOSURE

40 Article 1. Justification for Withholding of Record

41 § 7922.000. Justification for withholding of record (CPRA catch-all exemption)

42 7922.000. An agency shall justify withholding any record by demonstrating that
43 the record in question is exempt under express provisions of this division, or that on
44 the facts of the particular case the public interest served by not disclosing the record
45 clearly outweighs the public interest served by disclosure of the record.

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

4 For provisions governing redaction or truncation of social security numbers, see Sections
5 7922.200-7922.210. For additional CPRA exemptions and special rules applicable to specific types
6 of public records (including some rules relating to social security numbers), see Sections 7923.600-
7 7929.610; see also Sections 7930.000-7930.215 (alphabetical list of many CPRA exemptions).

8 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For
9 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
10 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
11 see Sections 7922.525 and 7922.530.

12 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. 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 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 Article 2. Social Security Numbers and Related Matters

19 § 7922.200. Redaction of SSN by local agency

20 7922.200. (a) It is the intent of the Legislature that, in order to protect against the
21 risk of identity theft, a local agency shall redact social security numbers from a
22 record before disclosing the record to the public pursuant to this division.

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

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

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

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

33 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For
34 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
35 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
36 see Sections 7922.525 and 7922.530.

37 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. 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 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 Section 7920.510 (“local agency”).

44 § 7922.205. Truncation of SSN by county recorder

45 7922.205. Nothing in this division shall be construed to require the disclosure by
46 a county recorder of any “official record,” if a “public record” version of that record

1 is available pursuant to Article 3.5 (commencing with Section 27300) of Chapter 6
2 of Part 3 of Division 2 of Title 3.

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

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

10 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For
11 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
12 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
13 see Sections 7922.525 and 7922.530.

14 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. 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 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 **§ 7922.210. Truncation of SSN with regard to secured transaction**

21 7922.210. Nothing in this division shall be construed to require the disclosure by
22 a filing office of any “official filing,” if a “public filing” version of that record is
23 available pursuant to Section 9526.5 of the Commercial Code.

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

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

29 For redaction of a social security number by a local agency, see Section 7922.200. For truncation
30 of a social security number by a county recorder, see Section 7922.205. For additional exemptions
31 to the California Public Records Act (“CPRA”) and special rules applicable to specific types of
32 public records (including some rules relating to social security numbers), see Sections 7922.000,
33 7923.600-7929.610; see also Sections 7930.000-7930.215 (alphabetical list of many CPRA
34 exemptions).

35 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For
36 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
37 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
38 see Sections 7922.525 and 7922.530.

39 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. 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 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 **Note.** The provision cross-referenced in Section 6254.28 does not refer to either an “official record”
46 or a “public record,” despite the inference to the contrary in Section 6254.28. Instead, Commercial
47 Code Section 9526.5 refers to and defines an “official filing” and a “public filing”:

48
49 9526.5. (a) For purposes of this section, the following terms have the following
50 meanings:

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

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

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

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

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

15 PART 3. PROCEDURES

16 CHAPTER 1. REQUEST FOR A PUBLIC RECORD

17 Article 1. General Principles

18 § 7922.500. No delay or obstruction

19 7922.500. Nothing in this division shall be construed to permit an agency to delay
20 or obstruct the inspection or copying of public records.

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

23 For a related provision, see Section 7922.505 (option to adopt requirements that allow faster,
24 more efficient, of greater access than minimum standards). For an agency’s duty to assist a person
25 requesting records under the CPRA, see Section 7922.600. For other procedural rules under the
26 California Public Records Act (“CPRA”) and related matters, see Sections 7922.525-7922.585,
27 7922.605-7922.725; see also 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
33 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
34 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
35 see Sections 7922.525 and 7922.530.

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 See Section 7920.530 (“public records”).

1 **§ 7922.505. Option to adopt requirements that allow faster, more efficient, or greater access**
2 **than minimum standards**

3 7922.505. Except as otherwise prohibited by law, a state or local agency may
4 adopt requirements for itself that allow for faster, more efficient, or greater access
5 to records than prescribed by the minimum standards set forth in this division.

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

7 For a related provision, see Section 7922.500 (no delay or obstruction). For an agency’s duty to
8 assist a person requesting records under the CPRA, see Section 7922.600. For other procedural
9 rules under the California Public Records Act (“CPRA”) and related matters, see Sections
10 7922.525-7922.585, 7922.605-7922.725; see also Sections 7923.000-7923.510 (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
16 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
17 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
18 see Sections 7922.525 and 7922.530.

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”), 7920.540 (“state agency”).

23 **Article 2. Procedural Requirements Generally**

24 **§ 7922.525. Inspection of public record**

25 7922.525. (a) Public records are open to inspection at all times during the office
26 hours of a state or local agency and every person has a right to inspect any public
27 record, except as otherwise provided.

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

31 **Comment.** Subdivision (a) of Section 7922.525 continues the first sentence of former Section
32 6253(a) without substantive change.

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

34 For guidance on obtaining a copy of a public record, see Section 7922.530. For an agency’s duty
35 to assist a person requesting records under the California Public Records Act (“CPRA”), see
36 Section 7922.600. For other procedural rules under the CPRA and related matters, see Sections
37 7922.500-7922.505, 7922.535-7922.585, 7922.605-7922.725; 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
44 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
45 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
46 see Sections 7922.525 and 7922.530.

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 7920.510 (“local agency”), 7920.520 (“person”), 7920.530 (“public records”),
5 7920.540 (“state agency”).

6 **§ 7922.530. Copy of public record**

7 7922.530. Except with respect to public records exempt from disclosure by
8 express provisions of law, each state or local agency, upon a request for a copy of
9 records that reasonably describes an identifiable record or records, shall make the
10 records promptly available to any person upon payment of fees covering direct costs
11 of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be
12 provided unless impracticable to do so.

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

14 For guidance on inspection of a public record, see Section 7922.525. For an agency’s duty to
15 assist a person requesting records under the California Public Records Act (“CPRA”), see Section
16 7922.600. For other procedural rules under the CPRA and related matters, see Sections 7922.500-
17 7922.505, 7922.535-7922.585, 7922.605-7922.725; see also Sections 7923.000-7923.510
18 (enforcement).

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

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

23 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For
24 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
25 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
26 see Sections 7922.525 and 7922.530.

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 Sections 7920.510 (“local agency”), 7920.520 (“person”), 7920.530 (“public records”),
31 7920.540 (“state agency”).

32 **§ 7922.535. Time to respond**

33 7922.535. (a) Each agency, upon a request for a copy of records, shall, within 10
34 days from receipt of the request, determine whether the request, in whole or in part,
35 seeks copies of disclosable public records in the possession of the agency and shall
36 promptly notify the person making the request of the determination and the reasons
37 therefor. If the agency determines that the request seeks disclosable public records,
38 the agency shall also state the estimated date and time when the records will be made
39 available.

40 (b) In unusual circumstances, the time limit prescribed in this article and Article
41 1 (commencing with Section 7922.500) may be extended by written notice from the
42 head of the agency or a designee to the person making the request, setting forth the
43 reasons for the extension and the date on which a determination is expected to be
44 dispatched. No notice shall specify a date that would result in an extension for more
45 than 14 days.

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

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

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

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

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

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

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

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

18 For further guidance on the timing of an agency’s response to a record request, see Section
19 7922.500 (no delay or obstruction) and 7922.505 (option to adopt requirements that allow faster,
20 more efficient, or greater access than minimum standards). For an agency’s duty to assist a person
21 requesting records under the California Public Records Act (“CPRA”), see Section 7922.600. For
22 other procedural rules under the CPRA and related matters, see Sections 7922.525-7922.530,
23 7922.540-7922.585, 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
29 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
30 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
31 see Sections 7922.525 and 7922.530.

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”), 7920.530 (“public records”).

36 **§ 7922.540. Denial of request**

37 7922.540. (a) A response to a written request for inspection or copies of public
38 records that includes a determination that the request is denied, in whole or in part,
39 shall be in writing.

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

42 (c) An agency shall justify withholding any record by complying with Section
43 7922.000.

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

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

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

3 For an agency's duty to assist a person requesting records under the California Public Records
4 Act ("CPRA"), see Section 7922.600. For other procedural rules under the CPRA and related
5 matters, see Sections 7922.500-7922.535, 7922.545-7922.585, 7922.605-7922.725; see also
6 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
12 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
13 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
14 see Sections 7922.525 and 7922.530.

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"), 7920.550 ("writing").

19 **§ 7922.545. Posting public record on agency's Internet Web site**

20 7922.545. (a) In addition to maintaining public records for public inspection
21 during its office hours, a public agency may comply with Section 7922.525 by
22 posting any public record on its Internet Web site and, in response to a request for a
23 public record posted on the Internet Web site, directing a member of the public to
24 the location on the Internet Web site where the public record is posted.

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

30 **Comment.** Subdivision (a) of Section 7922.545 continues the first sentence of former Section
31 6253(f) without substantive change.

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

34 For further guidance in the California Public Records Act ("CPRA") on agency websites, see
35 Sections 7922.680 (formatting of record that local agency posts on Internet Resource), 7922.715
36 (posting catalog of enterprise systems on local agency's website). See also Section 7922.570
37 (disclosure of information in electronic format).

38 For an agency's duty to assist a person requesting records under the CPRA, see Section 7922.600.
39 For other procedural rules and related matters, see Sections 7922.500-7922.540, 7922.575-
40 7922.585, 7922.605-7922.640, 7922.700-7922.710, 7922.720-7922.725; see also Sections
41 7923.000-7923.510 (enforcement).

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.

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

46 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For
47 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
48 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
49 see Sections 7922.525 and 7922.530.

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 7920.515 (“member of the public”), 7920.525 (“public agency”), 7920.530 (“public
5 records”).

6 Article 3. Information in Electronic Format

7 § 7922.570. Disclosure of information in electronic format

8 7922.570. (a) Unless otherwise prohibited by law, any agency that has
9 information that constitutes an identifiable public record not exempt from disclosure
10 pursuant to this division that is in an electronic format shall make that information
11 available in an electronic format when requested by any person.

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

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

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

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

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

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

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

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

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

33 For an agency’s duty to assist a person requesting records under the CPRA, see Section 7922.600.
34 For other procedural rules and related matters, see Sections 7922.500-7922.540, 7922.605-
35 7922.640, 7922.700-7922.710, 7922.720-7922.725; see also Sections 7923.000-7923.510
36 (enforcement).

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
42 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
43 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
44 see Sections 7922.525 and 7922.530.

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 **§ 7922.575. Cost of duplication**

6 7922.575. (a) The cost of duplication of an electronic record pursuant to paragraph
7 (2) of subdivision (b) of Section 7922.570 shall be limited to the direct cost of
8 producing a copy of a record in an electronic format.

9 (b) Notwithstanding subdivision (a), the requester shall bear the cost of producing
10 a copy of the record, including the cost to construct a record, and the cost of
11 programming and computer services necessary to produce a copy of the record when
12 either of the following applies:

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

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

18 **Comment.** Subdivision (a) of Section 7922.575 continues the second sentence of former Section
19 6253.9(a)(2) without substantive change.

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

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

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

28 For an agency’s duty to assist a person requesting records under the CPRA, see Section 7922.600.
29 For other procedural rules and related matters, see Sections 7922.500-7922.540, 7922.605-
30 7922.640, 7922.700-7922.710, 7922.720-7922.725; see also Sections 7923.000-7923.510
31 (enforcement).

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
37 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
38 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
39 see Sections 7922.525 and 7922.530.

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 Section 7920.525 (“public agency”).

44 **§ 7922.580. Limitations**

45 7922.580. (a) Nothing in Section 7922.570 or 7922.575 shall be construed to
46 require a public agency to reconstruct a record in an electronic format if the agency
47 no longer has the record available in an electronic format.

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

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

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

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

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

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

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

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

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

22 For an agency’s duty to assist a person requesting records under the CPRA, see Section 7922.600.
23 For other procedural rules and related matters, see Sections 7922.500-7922.540, 7922.605-
24 7922.640, 7922.700-7922.710, 7922.720-7922.725; see also Sections 7923.000-7923.510
25 (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
31 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
32 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
33 see Sections 7922.525 and 7922.530.

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 7920.525 (“public agency”).

38 **§ 7922.585. Computer software**

39 7922.585. (a) As used in this section, “computer software” includes computer
40 mapping systems, computer programs, and computer graphics systems.

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

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

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

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

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

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

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

13 For an agency’s duty to assist a person requesting records under the CPRA, see Section 7922.600.
14 For other procedural rules and related matters, see Sections 7922.500-7922.540, 7922.605-
15 7922.640, 7922.700-7922.710, 7922.720-7922.725; see also Sections 7923.000-7923.510
16 (enforcement).

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
22 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
23 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
24 see Sections 7922.525 and 7922.530.

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

29 Article 4. Duty to Assist in Formulating Request

30 § 7922.600. Duty to provide assistance

31 7922.600. (a) When a member of the public requests to inspect a public record or
32 obtain a copy of a public record, the public agency, in order to assist the member of
33 the public make a focused and effective request that reasonably describes an
34 identifiable record or records, shall do all of the following, to the extent reasonable
35 under the circumstances:

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

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

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

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

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

4 **Comment.** Section 7922.600 continues former Section 6253.1(a)-(c) without substantive
5 change.

6 For further guidance regarding assistance to the public, see Sections 7922.500 (no delay or
7 obstruction), 7922.505 (option to adopt requirements that allow faster, more efficient, or greater
8 access than minimum standards). For other procedural rules under the California Public Records
9 Act (“CPRA”) and related matters, see Sections 7922.525-7922.585, 7922.605-7922.725; see also
10 Sections 7923.000-7923.510 (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
16 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
17 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
18 see Sections 7922.525 and 7922.530.

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 7920.515 (“member of the public”), 7920.525 (“public agency”), 7920.530 (“public
23 records”).

24 **§ 7922.605. Inapplicability of article**

25 7922.605. This article shall not apply to a request for public records if any of the
26 following applies:

27 (a) The public agency makes the requested records available pursuant to Article 1
28 (commencing with Section 7922.500) and Article 2 (commencing with Section
29 7922.525).

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

31 (c) The public agency determines that the request should be denied and bases that
32 determination solely on an exemption listed in Section 7920.505.

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

34 For other procedural rules under the California Public Records Act (“CPRA”) and related
35 matters, see Sections 7922.525-7922.600, 7922.630-7922.725; see also Sections 7923.000-
36 7923.510 (enforcement).

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
42 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
43 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
44 see Sections 7922.525 and 7922.530.

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 7920.525 (“public agency”), 7920.530 (“public records”).

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

3 Article 1. Agency Regulations and Guidelines

4 **§ 7922.630. Authority to adopt regulations**

5 7922.630. Every agency may adopt regulations in accordance with this article
6 stating the procedures to be followed when making its records available.

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

9 For further guidance on adoption of regulations, see Sections 7922.500 (no delay or obstruction),
10 7922.505 (option to adopt requirements that allow faster, more efficient, or greater access than
11 minimum standards), 7922.635 (agencies required to establish & make available written guidelines
12 for accessibility of records), 7922.640 (limitations 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
21 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
22 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
23 see Sections 7922.525 and 7922.530.

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

29 7922.635. (a) The following state and local bodies shall establish written
30 guidelines for accessibility of records:

- 31 (1) All regional water quality control boards.
- 32 (2) Bay Area Air Pollution Control District.
- 33 (3) Bureau of Real Estate.
- 34 (4) California Coastal Commission.
- 35 (5) Department of Business Oversight.
- 36 (6) Department of Consumer Affairs.
- 37 (7) Department of Corrections and Rehabilitation.
- 38 (8) Department of General Services.
- 39 (9) Department of Industrial Relations.
- 40 (10) Department of Insurance.
- 41 (11) Department of Justice.
- 42 (12) Department of Managed Health Care.
- 43 (13) Department of Motor Vehicles.

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

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

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

30 For further guidance on adoption of guidelines and regulations, see Sections 7922.500 (no delay
31 or obstruction), 7922.505 (option to adopt requirements that allow faster, more efficient, or greater
32 access than minimum standards), 7922.630 (authority to adopt regulations), 7922.640 (limitations
33 on guidelines & regulations).

34 For other procedural rules under the California Public Records Act ("CPRA") and related
35 matters, see Sections 7922.525-7922.605, 7922.680-7922.725; see also Sections 7923.000-
36 7923.510 (enforcement).

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
42 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
43 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
44 see Sections 7922.525 and 7922.530.

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

6 7922.640. (a) Guidelines and regulations adopted pursuant to this article shall be
7 consistent with all other sections of this division and shall reflect the intention of
8 the Legislature to make the records accessible to the public.

9 (b) Guidelines and regulations adopted pursuant to this article shall not operate to
10 limit the hours public records are open for inspection as prescribed in Article 1
11 (commencing with Section 7922.500) and Article 2 (commencing with Section
12 7922.525).

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

14 See Section 7920.530 (“public records”).

15 For further guidance on adoption of guidelines and regulations, see Sections 7922.500 (no delay
16 or obstruction), 7922.505 (option to adopt requirements that allow faster, more efficient, or greater
17 access than minimum standards), 7922.630 (authority to adopt regulations), 7922.635 (agencies
18 required to establish and make available written guidelines for accessibility of records).

19 For other procedural rules under the California Public Records Act (“CPRA”) and related
20 matters, see Sections 7922.525-7922.605, 7922.680-7922.725; see also Sections 7923.000-
21 7923.510 (enforcement).

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.

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

26 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For
27 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
28 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
29 see Sections 7922.525 and 7922.530.

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 **Article 2. Internet Resources**

34 **§ 7922.680. Formatting of record that local agency posts on Internet Resource**

35 7922.680. If a local agency, except a school district, maintains an Internet
36 Resource, including, but not limited to, an Internet Web site, Internet Web page, or
37 Internet Web portal, which the local agency describes or titles as “open data,” and
38 the local agency voluntarily posts a public record on that Internet Resource, the local
39 agency shall post the public record in an open format that meets all of the following
40 requirements:

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

43 (b) Platform independent and machine readable.

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

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

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

6 For further guidance in the California Public Records Act (“CPRA”) regarding agency websites,
7 see Sections 7922.545 (posting public record on agency’s Internet Web site) and 7922.715 (posting
8 catalog of enterprise systems on local agency’s website). See also Section 7922.570 (disclosure of
9 information in electronic format).

10 For other procedural rules and related matters, see Sections 7922.500-7922.540, 7922.575-
11 7922.640, 7922.700-7922.710, 7922.720-7922.725; see also Sections 7923.000-7923.510
12 (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
18 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
19 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
20 see Sections 7922.525 and 7922.530.

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 7920.510 (“local agency”), 7920.530 (“public records”).

25 Article 3. Catalog of Enterprise Systems

26 § 7922.700. “Enterprise system”

27 7922.700. For purposes of this article:

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

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

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

33 (3) It is a system of record.

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

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

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

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

41 (4) Systems related to 911 dispatch and operation or emergency services.

42 (5) Systems that would be restricted from disclosure pursuant to Section
43 7929.210.

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

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

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

6 For a provision requiring a local agency (other than a local educational agency) to create, post,
7 and annually update a catalog of enterprise systems, see Section 7922.710. For related provisions,
8 see the remainder of this article.

9 For other procedural rules under the California Public Records Act (“CPRA”) and related
10 matters, see Sections 7922.500-7922.680; see also Sections 7923.000-7923.510 (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
16 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
17 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
18 see Sections 7922.525 and 7922.530.

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 Section 7922.575 (“system of record”).

23 **§ 7922.705. “System of record”**

24 7922.705. For purposes of this article, “system of record” means a system that
25 serves as an original source of data within an agency.

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

27 For a provision requiring a local agency (other than a local educational agency) to create, post,
28 and annually update a catalog of enterprise systems, see Section 7922.710. For related provisions,
29 see the remainder of this article.

30 For other procedural rules under the California Public Records Act (“CPRA”) and related
31 matters, see Sections 7922.500-7922.680; see also Sections 7923.000-7923.510 (enforcement).

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
37 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
38 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
39 see Sections 7922.525 and 7922.530.

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 **§ 7922.710. Creation of catalog**

44 7922.710. (a) In implementing this division, each local agency, except a local
45 educational agency, shall create a catalog of enterprise systems.

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

1 **Comment.** Subdivision (a) of Section 7922.710 continues the first sentence of former Section
2 6270.5(a) without substantive change.

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

4 For related provisions, see the remainder of this article. For other procedural rules under the
5 California Public Records Act (“CPRA”) and related matters, see Sections 7922.500-7922.680; see
6 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
12 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
13 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
14 see Sections 7922.525 and 7922.530.

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”), 7922.700 (“enterprise system”).

19 **§ 7922.715. Availability of catalog**

20 7922.715. (a) The catalog of enterprise systems required by Section 7922.710
21 shall be made publicly available upon request in the office of the person or officer
22 designated by the agency’s legislative body.

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

25 **Comment.** Subdivision (a) of Section 7922.715 continues the second sentence of former Section
26 6270.5(a) without substantive change.

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

29 For a provision requiring a local agency (other than a local educational agency) to create, post,
30 and annually update a catalog of enterprise systems, see Section 7922.710. For related provisions,
31 see the remainder of this article.

32 For other procedural rules under the California Public Records Act (“CPRA”) and related
33 matters, see Sections 7922.500-7922.680; see also Sections 7923.000-7923.510 (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
39 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
40 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
41 see Sections 7922.525 and 7922.530.

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 Sections 7920.510 (“local agency”), 7920.520 (“person”), 7922.700 (“enterprise system”).

46 **§ 7922.720. Content of catalog**

47 7922.720. (a) The catalog of enterprise systems required by Section 7922.710
48 shall disclose a list of the enterprise systems utilized by the agency.

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

2 (1) Current system vendor.

3 (2) Current system product.

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

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

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

7 (6) How frequently system data is collected.

8 (7) How frequently system data is updated.

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

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

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

16 For a provision requiring a local agency (other than a local educational agency) to create, post,
17 and annually update a catalog of enterprise systems, see Section 7922.710. For related provisions,
18 see the remainder of this article.

19 For other procedural rules under the California Public Records Act (“CPRA”) and related
20 matters, see Sections 7922.500-7922.680; see also Sections 7923.000-7923.510 (enforcement).

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.

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
26 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
27 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
28 see Sections 7922.525 and 7922.530.

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 Sections 7920.510 (“local agency”), 7922.700 (“enterprise system”).

33 **§ 7922.725. Construction of article**

34 7922.725. (a) This article shall not be interpreted to limit a person’s right to
35 inspect public records pursuant to this division.

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

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

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

42 For a provision requiring a local agency (other than a local educational agency) to create, post,
43 and annually update a catalog of enterprise systems, see Section 7922.710. For related provisions,
44 see the remainder of this article.

45 For other procedural rules under the California Public Records Act (“CPRA”) and related
46 matters, see Sections 7922.500-7922.680; 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
6 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
7 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
8 see Sections 7922.525 and 7922.530.

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 See Sections 7920.520 ("person"), 7920.530 ("public records").

13 PART 4. ENFORCEMENT

14 CHAPTER 1. GENERAL PRINCIPLES

15 § 7923.000. Right to seek enforcement of request

16 7923.000. Any person may institute a proceeding for injunctive or declarative
17 relief, or for a writ of mandate, in any court of competent jurisdiction, to enforce
18 that person's right under this division to inspect or receive a copy of any public
19 record or class of public records.

20 **Comment.** Section 7923.000 continues the first sentence of former Section 6258 without
21 substantive change.

22 For other rules relating to enforcement of the California Public Records Act ("CPRA"), see
23 Sections 7923.005-7923.510. For basic procedural rules and related matters, see Sections
24 7922.500-7922.680.

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.

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

29 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For
30 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
31 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
32 see Sections 7922.525 and 7922.530.

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 7920.520 ("person"), 7920.530 ("public records").

37 § 7923.005. Court to set schedule that promotes prompt decision

38 7923.005. In a proceeding under Section 7923.000, the court shall set the times
39 for hearings and responsive pleadings with the object of securing a decision as to
40 the matters at issue at the earliest possible time.

41 **Comment.** Section 7923.005 continues the second sentence of former Section 6258 without
42 substantive change.

43 For other rules relating to enforcement of the California Public Records Act ("CPRA"), see
44 Sections 7923.000, 7923.100-7923.510. For basic procedural rules and related matters, see Sections
45 7922.500-7922.680.

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
6 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
7 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
8 see Sections 7922.525 and 7922.530.

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 See Sections 7920.520 ("person"), 7920.530 ("public records").

13 CHAPTER 2. PROCEDURE

14 Article 1. Petition to Superior Court

15 § 7923.100. Verified petition and order to show cause

16 7923.100. Whenever it is made to appear, by verified petition to the superior court
17 of the county where the records or some part thereof are situated, that certain public
18 records are being improperly withheld from a member of the public, the court shall
19 order the officer or other person charged with withholding the records to disclose
20 those records or show cause why that person should not do so.

21 **Comment.** Section 7923.100 continues the first sentence of former Section 6259(a) without
22 substantive change.

23 For other rules relating to enforcement of the California Public Records Act ("CPRA"), see
24 Sections 7923.000-7923.005, 7923.105-7923.510. For basic procedural rules and related matters,
25 see Sections 7922.500-7922.680.

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
31 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
32 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
33 see Sections 7922.525 and 7922.530.

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 Sections 7920.515 ("member of the public"), 7920.530 ("public records").

38 § 7923.105. Material to be considered by court

39 7923.105. The court shall decide the case after the court does all of the following:
40 (a) Examine the record in camera, if permitted by subdivision (b) of Section 915
41 of the Evidence Code.

42 (b) Examine any papers filed by the parties.

43 (c) Consider any oral argument and additional evidence as the court may allow.

1 **Comment.** Section 7923.105 continues the second sentence of former Section 6259(a) without
2 substantive change.

3 For other rules relating to enforcement of the California Public Records Act (“CPRA”), see
4 Sections 7923.000-7923.100, 7923.110-7923.510. For basic procedural rules and related matters,
5 see Sections 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
11 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
12 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
13 see Sections 7922.525 and 7922.530.

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 **§ 7923.110. Decision and order**

18 7923.110. (a) If the court finds that the public official’s decision to refuse
19 disclosure is not justified under Section 7922.000 or any provision listed in Section
20 7920.505, the court shall order the public official to make the record public.

21 (b) If the court finds that the public official was justified in refusing to make the
22 record public, the court shall return the record to the public official without
23 disclosing its content, together with an order supporting the decision refusing
24 disclosure.

25 **Comment.** Section 7923.110 continues former Section 6259(b) without substantive change.

26 For other rules relating to enforcement of the California Public Records Act (“CPRA”), see
27 Sections 7923.000-7923.105, 7923.115-7923.510. For basic procedural rules and related matters,
28 see Sections 7922.500-7922.680.

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

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

33 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For
34 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
35 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
36 see Sections 7922.525 and 7922.530.

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 **§ 7923.115. Costs and attorney fees**

41 7923.115. (a) If the requester prevails in litigation filed pursuant to this chapter,
42 the court shall award court costs and reasonable attorney’s fees to the requester. The
43 costs and fees shall be paid by the public agency and shall not become a personal
44 liability of the public official involved.

45 (b) If the court finds that a requester’s case pursuant to this chapter is clearly
46 frivolous, the court shall award court costs and reasonable attorney fees to the public
47 agency.

1 (c) Nothing in this article limits a requester’s right to obtain fees and costs
2 pursuant to this section or pursuant to any other law.

3 **Comment.** Subdivisions (a) and (b) of Section 7923.115 continue former Section 6259(d)
4 without substantive change.

5 Subdivision (c) continues former Section 6259(e) without substantive change.

6 For other rules relating to enforcement of the California Public Records Act (“CPRA”), see
7 Sections 7923.000-7923.110, 7923.120-7923.510. 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
14 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
15 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
16 see Sections 7922.525 and 7922.530.

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 7920.525 (“public agency”).

21 **§ 7923.120. Failure to obey order as grounds for contempt**

22 7923.120. Any person who fails to obey an order of the court pursuant to this
23 chapter shall be cited to show cause why that person is not in contempt of court.

24 **Comment.** Section 7923.120 continues the fifth sentence of former Section 6259(c) without
25 substantive change.

26 Subdivision (c) continues former Section 6259(e) without substantive change.

27 For other rules relating to enforcement of the California Public Records Act (“CPRA”), see
28 Sections 7923.000-7923.115, 7923.500-7923.510. For basic procedural rules and related matters,
29 see Sections 7922.500-7922.680.

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
35 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
36 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
37 see Sections 7922.525 and 7922.530.

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

41 See Section 7920.520 (“person”).

42 **Article 2. Writ Review**

43 **§ 7923.500. Order reviewable by petition for extraordinary writ**

44 7923.500. An order of the court pursuant to this chapter, whether directing a
45 public official to disclose a record or supporting a public official’s decision to refuse
46 disclosure, is not a final judgment or order from which an appeal may be taken

1 pursuant to Section 904.1 of the Code of Civil Procedure. The order shall, however,
2 be immediately reviewable by a petition to the appellate court for issuance of an
3 extraordinary writ.

4 **Comment.** Section 7923.500 continues the first sentence of former Section 6259(c) without
5 substantive change. The introductory clause, which limited the applicability of this provision to an
6 action filed on or after January 1, 1991, is discontinued as obsolete.

7 For other rules relating to enforcement of the California Public Records Act (“CPRA”), see
8 Sections 7923.000-7923.120, 7923.505-7923.510. For basic procedural rules and related matters,
9 see Sections 7922.500-7922.680.

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
15 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
16 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
17 see Sections 7922.525 and 7922.530.

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 **§ 7923.505. Time for filing writ petition**

22 7923.505. (a) To obtain review of an order entered pursuant to this chapter, a party
23 shall file a petition pursuant to Section 7923.500 within 20 days after service upon
24 that party of a written notice of entry of the order, or within a period not exceeding
25 an additional 20 days as the court may for good cause allow.

26 (b) If the notice of entry of the order is served by mail, the period within which to
27 file the petition shall be increased by five days.

28 **Comment.** Subdivision (a) of Section 7923.505 continues the second sentence of former Section
29 6259(c) without substantive change.

30 Subdivision (b) continues the third sentence of former Section 6259(c) without change.

31 For other rules relating to enforcement of the California Public Records Act (“CPRA”), see
32 Sections 7923.000-7923.500, 7923.510. For basic procedural rules and related matters, see Sections
33 7922.500-7922.680.

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
39 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
40 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
41 see Sections 7922.525 and 7922.530.

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 **§ 7923.510. Stay of judgment or order**

46 7923.510. A court shall not grant a stay of a judgment or order entered pursuant
47 to this chapter unless the petitioning party demonstrates both of the following:

1 (1) Probable success on the merits.

2 (2) The petitioning party will otherwise sustain irreparable damage.

3 **Comment.** Section 7923.510 continues the fourth sentence of former Section 6259(c) without
4 substantive change.

5 For other rules relating to enforcement of the California Public Records Act (“CPRA”), see
6 Sections 7923.000-7923.505. For basic procedural rules and related matters, see Sections
7 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
13 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
14 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
15 see Sections 7922.525 and 7922.530.

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 PART 5. SPECIFIC TYPES OF PUBLIC
20 RECORDS

21 CHAPTER 1. CRIMES, WEAPONS, AND LAW ENFORCEMENT

22 Article 1. Law Enforcement Records Generally

23 § 7923.600. Law enforcement exemption

24 7923.600. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
25 this division does not require the disclosure of records of complaints to, or
26 investigations conducted by, or records of intelligence information or security
27 procedures of, the office of the Attorney General and the Department of Justice, the
28 Office of Emergency Services and any state or local police agency, or any
29 investigatory or security files compiled by any other state or local police agency, or
30 any investigatory or security files compiled by any other state or local agency for
31 correctional, law enforcement, or licensing purposes.

32 (b) A customer list that an alarm or security company provides to a state or local
33 police agency at the agency’s request is a record subject to this article.

34 **Comment.** Subdivision (a) of Section 7923.600 continues the first sentence of former Section
35 6254(f) without substantive change.

36 Subdivision (b) continues the second unnumbered paragraph of former Section 6254(f) without
37 substantive change.

38 For other provisions relating to the law enforcement exemption to the California Public Records
39 Act (“CPRA”), see Sections 7923.605-7923.655. For additional CPRA provisions relating to
40 crimes, weapons, or law enforcement, see Sections 7923.700-7923.805; see also Sections
41 7921.700-7921.710 (disclosure to district attorney and related matters). For CPRA provisions on
42 security measures and related matters, see Sections 7929.200-7929.215.

1 For other special rules applicable to specific types of public records, see Sections 7924.000-
2 7929.005, 7929.400-7929.610; 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
9 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
10 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
11 see Sections 7922.525 and 7922.530.

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 Sections 7920.510 ("local agency"), 7920.540 ("state agency").

16 § 7923.605. Disclosure of incident information

17 7923.605. (a) Notwithstanding Section 7923.600, a state or local law enforcement
18 agency shall disclose the names and addresses of persons involved in, or witnesses
19 other than confidential informants to, the incident, the description of any property
20 involved, the date, time, and location of the incident, all diagrams, statements of the
21 parties involved in the incident, the statements of all witnesses, other than
22 confidential informants, to the victims of an incident, or an authorized representative
23 thereof, an insurance carrier against which a claim has been or might be made, and
24 any person suffering bodily injury or property damage or loss, as the result of the
25 incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking,
26 vandalism, vehicle theft, or a crime as defined by subdivision (b) of Section 13951,
27 unless the disclosure would endanger either of the following:

28 (1) The safety of a witness or other person involved in the investigation.

29 (2) The successful completion of the investigation or a related investigation.

30 (b) However, this article does not require the disclosure of that portion of those
31 investigative files that reflects the analysis or conclusions of the investigating
32 officer.

33 **Comment.** Subdivision (a) of Section 7923.605 continues the second sentence of former Section
34 6254(f) without substantive change.

35 Subdivision (b) continues the third sentence of former Section 6254(f) without substantive
36 change.

37 For other provisions relating to the law enforcement exemption to the California Public Records
38 Act ("CPRA"), see Sections 7923.600, 7923.610-7923.655. For additional CPRA provisions
39 relating to crimes, weapons, or law enforcement, see Sections 7923.700-7923.805; see also
40 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
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
2 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
3 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
4 see Sections 7922.525 and 7922.530.

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

8 See Section 7920.520 (“person”).

9 **§ 7923.610. Disclosure of arrest information**

10 7923.610. Notwithstanding any other provision of this article, a state or local law
11 enforcement agency shall make public all of the following information, except to
12 the extent that disclosure of a particular item of information would endanger the
13 safety of a person involved in an investigation or would endanger the successful
14 completion of the investigation or a related investigation:

15 (a) The full name and occupation of every individual arrested by the agency.

16 (b) The individual’s physical description including date of birth, color of eyes and
17 hair, sex, height and weight.

18 (c) The time and date of arrest.

19 (d) The time and date of booking.

20 (e) The location of the arrest.

21 (f) The factual circumstances surrounding the arrest.

22 (g) The amount of bail set.

23 (h) The time and manner of release or the location where the individual is
24 currently being held.

25 (i) All charges the individual is being held upon, including any outstanding
26 warrants from other jurisdictions, parole holds, and probation holds.

27 **Comment.** Section 7923.610 continues former Section 6254(f)(1) without substantive change.
28 In combination with Sections 7923.615(a) and 7923.620(a), Section 7923.610 also continues the
29 third unnumbered paragraph of former Section 6254(f) without substantive change.

30 For other provisions relating to the law enforcement exemption to the California Public Records
31 Act (“CPRA”), see Sections 7923.600-7923.605, 7923.615-7923.625. For additional CPRA
32 provisions relating to crimes, weapons, or law enforcement, see Sections 7923.650-7923.805; see
33 also Sections 7921.700-7921.710 (disclosure to district attorney and related matters). For CPRA
34 provisions on security measures and related matters, see Sections 7929.200-7929.215.

35 For other special rules applicable to specific types of public records, see Sections 7924.000-
36 7929.005, 7929.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
37 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
43 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
44 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
45 see Sections 7922.525 and 7922.530.

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 **§ 7923.615. Disclosure of information relating to complaints or requests for assistance**

6 7923.615. (a) Notwithstanding any other provision of this article, a state or local
7 law enforcement agency shall make public, subject to the restrictions imposed by
8 Section 841.5 of the Penal Code, the time, substance, and location of all complaints
9 or requests for assistance received by the agency, and the time and nature of the
10 response thereto, except to the extent that disclosure of a particular item of
11 information would endanger the safety of a person involved in an investigation or
12 the successful completion of the investigation or a related investigation. To the
13 extent the information regarding crimes alleged or committed or any other incident
14 investigated is recorded, this includes all of the following:

15 (1) The time, date, and location of occurrence.

16 (2) The time and date of the report.

17 (3) The name and age of the victim.

18 (4) The factual circumstances surrounding the crime or incident.

19 (5) A general description of any injuries, property, or weapons involved.

20 (b)(1) The name of a victim of any crime defined by Section 220, 261, 261.5, 262,
21 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d,
22 273.5, 285, 286, 287, 288, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7,
23 422.75, 646.9, or 647.6 of, or former Section 288a of, the Penal Code may be
24 withheld at the victim’s request, or at the request of the victim’s parent or guardian
25 if the victim is a minor.

26 (2) When a person is the victim of more than one crime, information disclosing
27 that the person is a victim of a crime defined in any of the sections of the Penal Code
28 set forth in this article may be deleted at the request of the victim, or the victim’s
29 parent or guardian if the victim is a minor, in making the report of the crime, or of
30 any crime or incident accompanying the crime, available to the public in compliance
31 with the requirements of this section.

32 (c)(1) Subject to the restrictions imposed by Section 841.5 of the Penal Code, the
33 names and images of a victim of human trafficking, as defined in Section 236.1 of
34 the Penal Code, and of that victim’s immediate family, other than a family member
35 who is charged with a criminal offense arising from the same incident, may be
36 withheld at the victim’s request until the investigation or any subsequent
37 prosecution is complete.

38 (2) For purposes of this article, “immediate family” shall have the same meaning
39 as that provided in paragraph (3) of subdivision (b) of Section 422.4 of the Penal
40 Code.

41 **Comment.** Subdivision (a) of Section 7923.615 continues the first sentence of former Section
42 6254(f)(2)(A) without substantive change. In combination with Sections 7923.610 and

1 7923.620(a), subdivision (a) also continues the third unnumbered paragraph of former Section
2 6254(f) without substantive change.

3 Subdivision (b) continues the second and third sentences of former Section 6254(f)(2)(A)
4 without substantive change. Revisions have been made to reflect that Penal Code Section 288a was
5 renumbered as Penal Code Section 287. See 2018 Cal. Stat. ch. 423, § 49.

6 Subdivision (c) continues former Section 6254(f)(2)(B) without substantive change.

7 For other provisions relating to the law enforcement exemption to the California Public Records
8 Act (“CPRA”), see Sections 7923.600-7923.610, 7923.620-7923.655. For additional CPRA
9 provisions relating to crimes, weapons, or law enforcement, see Sections 7923.700-7923.805; see
10 also Sections 7921.700-7921.710 (disclosure to district attorney and related matters). For CPRA
11 provisions on security measures and related matters, see Sections 7929.200-7929.215.

12 For other special rules applicable to specific types of public records, see Sections 7924.000-
13 7929.005, 7929.400-7929.610; 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
20 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
21 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
22 see Sections 7922.525 and 7922.530.

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 See Section 7920.520 (“person”).

27 **Note.** In 2018, the Legislature enacted a bill renumbering Penal Code Section 288a as Penal Code
28 Section 287. See 2018 Cal. Stat. ch. 423, § 49 (SB 1494 (Committee on Public Safety)). That bill
29 included a conforming revision of Section 6254(f)(2), but the conforming revision was chaptered
30 out by another bill. See Section 9605 (bill conflict rules); 2018 Cal. Stat. ch. 423, §§ 27 (conforming
31 revision), 130 (subordination clause); 2018 Cal. Stat. ch. 960, § 1 (AB 748 (Ting)).

32 As noted in the accompanying Comment, proposed Section 7923.615 would continue the
33 substance of Section 6254(f)(2), with revisions to reflect the renumbering of Penal Code Section
34 288a (in the same manner as the conforming revision that was chaptered out).

35 **§ 7923.620. Disclosure of arrestee’s address or victim’s address for specified purposes**

36 7923.620. (a) Notwithstanding any other provision of this article, if the requester
37 declares under penalty of perjury that the request is made for a scholarly,
38 journalistic, political, or governmental purpose, or that the request is made for
39 investigation purposes by a licensed private investigator as described in Chapter
40 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions
41 Code, a state or local law enforcement agency shall make public the following
42 information, except to the extent that disclosure of a particular item of information
43 would endanger the safety of a person involved in an investigation or would
44 endanger the successful completion of the investigation or a related investigation:

45 (1) Subject to the restrictions of Section 841.5 of the Penal Code and this article,
46 the current address of every individual arrested by the agency.

47 (2) Subject to the restrictions of Section 841.5 of the Penal Code and this article,
48 the current address of the victim of a crime. However, the address of the victim of

1 any crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266,
2 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 287, 288,
3 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of, or
4 former Section 288a of, the Penal Code shall remain confidential.

5 (b) Address information obtained pursuant to this section shall not be used directly
6 or indirectly, or furnished to another, to sell a product or service to any individual
7 or group of individuals, and the requester shall execute a declaration to that effect
8 under penalty of perjury.

9 (c) This section shall not be construed to prohibit or limit a scholarly, journalistic,
10 political, or government use of address information obtained pursuant to this
11 section.

12 **Comment.** Subdivision (a) of Section 7923.620 continues the first and second sentences of
13 former Section 6254(f)(3) without substantive change. In combination with Sections 7923.610 and
14 Section 7923.615(a), subdivision (a) also continues the third unnumbered paragraph of former
15 Section 6254(f) without substantive change. Revisions have been made to reflect that Penal Code
16 Section 288a was renumbered as Penal Code Section 287. See 2018 Cal. Stat. ch. 423, § 49.

17 Subdivision (b) continues the third sentence of former Section 6254(f)(3) without substantive
18 change.

19 Subdivision (c) continues the fourth sentence of former Section 6254(f)(3) without substantive
20 change.

21 For other provisions relating to the law enforcement exemption to the California Public Records
22 Act (“CPRA”), see Sections 7923.600-7923.615, 7923.625-7923.655. For additional CPRA
23 provisions relating to crimes, weapons, or law enforcement, see Sections 7923.700-7923.805; see
24 also Sections 7921.700-7921.710 (disclosure to district attorney and related matters). For CPRA
25 provisions on security measures and related matters, see Sections 7929.200-7929.215. For other
26 CPRA provisions that relate to personal information or customer records, see Sections 7927.400-
27 7927.420.

28 For other special rules applicable to specific types of public records, see Sections 7924.000-
29 7929.005, 7929.500-7929.610; 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
36 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
37 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
38 see Sections 7922.525 and 7922.530.

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 **Note.** In 2018, the Legislature enacted a bill renumbering Penal Code Section 288a as Penal Code
44 Section 287. See 2018 Cal. Stat. ch. 423, § 49 (SB 1494 (Committee on Public Safety)). That bill
45 included a conforming revision of Section 6254(f)(3), but the conforming revision was chaptered
46 out by another bill. See Section 9605 (bill conflict rules); 2018 Cal. Stat. ch. 423, §§ 27 (conforming
47 revision), 130 (subordination clause); 2018 Cal. Stat. ch. 960, § 1 (AB 748 (Ting)).

48 As noted in the accompanying Comment, proposed Section 7923.620 would continue the
49 substance of Section 6254(f)(3), with revisions to reflect the renumbering of Penal Code Section
50 288a (in the same manner as the conforming revision that was chaptered out).

1 **§ 7923.625. Video or audio recording relating to critical incident**

2 7923.625. Notwithstanding any other provision of this article, commencing July
3 1, 2019, a video or audio recording that relates to a critical incident, as defined in
4 subdivision (e), may be withheld only as follows:

5 (a)(1) During an active criminal or administrative investigation, disclosure of a
6 recording related to a critical incident may be delayed for no longer than 45 calendar
7 days after the date the agency knew or reasonably should have known about the
8 incident, if, based on the facts and circumstances depicted in the recording,
9 disclosure would substantially interfere with the investigation, such as by
10 endangering the safety of a witness or a confidential source. If an agency delays
11 disclosure pursuant to this section, the agency shall provide in writing to the
12 requester the specific basis for the agency's determination that disclosure would
13 substantially interfere with the investigation and the estimated date for disclosure.

14 (2) After 45 days from the date the agency knew or reasonably should have known
15 about the incident, and up to one year from that date, the agency may continue to
16 delay disclosure of a recording if the agency demonstrates that disclosure would
17 substantially interfere with the investigation. After one year from the date the
18 agency knew or reasonably should have known about the incident, the agency may
19 continue to delay disclosure of a recording only if the agency demonstrates by clear
20 and convincing evidence that disclosure would substantially interfere with the
21 investigation. If an agency delays disclosure pursuant to this paragraph, the agency
22 shall promptly provide in writing to the requester the specific basis for the agency's
23 determination that the interest in preventing interference with an active investigation
24 outweighs the public interest in disclosure and provide the estimated date for the
25 disclosure. The agency shall reassess withholding and notify the requester every 30
26 days. A recording withheld by the agency shall be disclosed promptly when the
27 specific basis for withholding is resolved.

28 (b)(1) If the agency demonstrates, on the facts of the particular case, that the
29 public interest in withholding a video or audio recording clearly outweighs the
30 public interest in disclosure because the release of the recording would, based on
31 the facts and circumstances depicted in the recording, violate the reasonable
32 expectation of privacy of a subject depicted in the recording, the agency shall
33 provide in writing to the requester the specific basis for the expectation of privacy
34 and the public interest served by withholding the recording and may use redaction
35 technology, including blurring or distorting images or audio, to obscure those
36 specific portions of the recording that protect that interest. However, the redaction
37 shall not interfere with the viewer's ability to fully, completely, and accurately
38 comprehend the events captured in the recording and the recording shall not
39 otherwise be edited or altered.

40 (2) Except as provided in paragraph (3), if the agency demonstrates that the
41 reasonable expectation of privacy of a subject depicted in the recording cannot
42 adequately be protected through redaction as described in paragraph (1) and that
43 interest outweighs the public interest in disclosure, the agency may withhold the

1 recording from the public, except that the recording, either redacted as provided in
2 paragraph (1) or unredacted, shall be disclosed promptly, upon request, to any of
3 the following:

4 (A) The subject of the recording whose privacy is to be protected, or the subject's
5 authorized representative.

6 (B) If the subject is a minor, the parent or legal guardian of the subject whose
7 privacy is to be protected.

8 (C) If the subject whose privacy is to be protected is deceased, an heir,
9 beneficiary, designated immediate family member, or authorized legal
10 representative of the deceased subject whose privacy is to be protected.

11 (3) If disclosure pursuant to paragraph (2) would substantially interfere with an
12 active criminal or administrative investigation, the agency shall provide in writing
13 to the requester the specific basis for the agency's determination that disclosure
14 would substantially interfere with the investigation, and provide the video or audio
15 recording. Thereafter, the recording may be withheld by the agency for 45 calendar
16 days, subject to extensions as set forth in paragraph (2) of subdivision (a).

17 (c) An agency may provide greater public access to video or audio recordings than
18 the minimum standards set forth in this section.

19 (d) For purposes of this section, a peace officer does not include any peace officer
20 employed by the Department of Corrections and Rehabilitation.

21 (e) For purposes of this section, a video or audio recording relates to a critical
22 incident if it depicts any of the following incidents:

23 (1) An incident involving the discharge of a firearm at a person by a peace officer
24 or custodial officer.

25 (2) An incident in which the use of force by a peace officer or custodial officer
26 against a person resulted in death or in great bodily injury.

27 (f) This section does not alter, limit, or negate any other rights, remedies, or
28 obligations with respect to public records regarding an incident other than a critical
29 incident as described in subdivision (e).

30 **Comment.** Section 7923.625 continues former Section 6254(f)(4) without substantive change.

31 For other provisions relating to the law enforcement exemption to the California Public Records
32 Act ("CPRA"), see Sections 7923.600-7923.620, 7923.650-7923.655. For additional CPRA
33 provisions relating to crimes, weapons, or law enforcement, see Sections 7923.700-7923.805; see
34 also Sections 7921.700-7921.710 (disclosure to district attorney and related matters). For CPRA
35 provisions on security measures and related matters, see Sections 7929.200-7929.215.

36 For other special rules applicable to specific types of public records, see Sections 7924.000-
37 7929.005, 7929.400-7929.610; 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
44 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
45 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
46 see Sections 7922.525 and 7922.530.

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 **Note.** A budget trailer bill pending before the Governor would revise Section 6254(f)(4)(B)(iii).
6 See SB 94 (Committee on Budget & Fiscal Review). If the Governor signs that bill, the
7 Commission will make a corresponding change in proposed Section 7923.625(b)(3).

8 Article 2. Obtaining Access to Law Enforcement Records

9 § 7923.650. District attorney’s request to inspect licensing records

10 7923.650. The exemption of records of complaints to, or investigations conducted
11 by, any state or local agency for licensing purposes under Article 1 (commencing
12 with Section 7923.600) shall not apply when a district attorney requests inspection
13 of those records.

14 **Comment.** Section 7923.650 continues former Section 6262 without substantive change.

15 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
16 district attorneys, see Sections 7921.700-7921.710. For additional CPRA provisions that relate
17 specifically to crimes, weapons, or law enforcement, see the rest of this chapter (Sections 7923.600-
18 7923.805). For CPRA provisions on security measures and related matters, see Sections 7929.200-
19 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
28 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
29 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
30 see Sections 7922.525 and 7922.530.

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 § 7923.655. Required documentation as prerequisite to receipt of information

36 7923.655. (a) A state or local law enforcement agency shall not require a victim
37 of an incident, or an authorized representative of a victim, to show proof of the
38 victim’s legal presence in the United States in order to obtain the information
39 required to be disclosed by that law enforcement agency pursuant to Article 1
40 (commencing with Section 7923.600).

41 (b) If, for identification purposes, a state or local law enforcement agency
42 requires a victim of an incident, or an authorized representative of a victim, to
43 provide identification in order to obtain information required to be disclosed by that
44 law enforcement agency pursuant to Article 1 (commencing with Section

1 7923.600), the agency shall at a minimum accept any of the following:

2 (1) A current driver’s license or identification card issued by any state in the
3 United States.

4 (2) A current passport issued by the United States or a foreign government with
5 which the United States has a diplomatic relationship.

6 (3) A current Matricula Consular card.

7 **Comment.** Subdivision (a) of Section 7923.655 continues the first sentence of former Section
8 6254.30 without substantive change.

9 Subdivision (b) continues the second sentence of former Section 6254.30 without substantive
10 change.

11 For additional provisions of the California Public Records Act (“CPRA”) that relate specifically
12 to crimes, weapons, or law enforcement, see the rest of this chapter (Sections 7923.600-7923.805).
13 For CPRA provisions on security measures and related matters, see Sections 7929.200-7929.215.

14 For other special rules applicable to specific types of public records, see Sections 7924.000-
15 7929.005, 7929.400-7929.610; 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
22 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
23 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
24 see Sections 7922.525 and 7922.530.

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 Article 3. Records of Emergency Communications to Public Safety
29 Authorities

30 § 7923.700. Emergency information

31 7923.700. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
32 division does not require the disclosure of a record obtained pursuant to paragraph
33 (2) of subdivision (f) of Section 2891.1 of the Public Utilities Code.

34 **Comment.** Section 7923.700 continues former Section 6254(z) without substantive change.

35 For additional provisions of the California Public Records Act (“CPRA”) that relate specifically
36 to crimes, weapons, or law enforcement, see the rest of this chapter (Sections 7923.600-7923.805).
37 For CPRA provisions on security measures and related matters, see Sections 7929.200-7929.215.

38 For other special rules applicable to specific types of public records, see Sections 7924.000-
39 7929.005, 7929.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
40 7930.215 (alphabetical list of many CPRA 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
46 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over

1 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
2 see Sections 7922.525 and 7922.530.

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 Article 4. Records Specifically Relating to Crime Victims

7 § 7923.750. Video and audio recordings

8 7923.750. (a) This division does not require disclosure of a video or audio
9 recording that was created during the commission or investigation of the crime of
10 rape, incest, sexual assault, domestic violence, or child abuse that depicts the face,
11 intimate body part, or voice of a victim of the incident depicted in the recording. An
12 agency shall justify withholding such a video or audio recording by demonstrating,
13 pursuant to Section 7922.000 and subdivision (a) of Section 7922.540, that on the
14 facts of the particular case, the public interest served by not disclosing the recording
15 clearly outweighs the public interest served by disclosure of the recording.

16 (b) When balancing the public interests as required by this section, an agency shall
17 consider both of the following:

18 (1) The constitutional right to privacy of the person or persons depicted in the
19 recording.

20 (2) Whether the potential harm to the victim caused by disclosing the recording
21 may be mitigated by redacting the recording to obscure images showing intimate
22 body parts and personally identifying characteristics of the victim or by distorting
23 portions of the recording containing the victim's voice, provided that the redaction
24 does not prevent a viewer from being able to fully and accurately perceive the events
25 captured on the recording. The recording shall not otherwise be edited or altered.

26 (c) A victim of a crime described in subdivision (a) who is a subject of a recording,
27 the parent or legal guardian of a minor subject, a deceased subject's next of kin, or
28 a subject's legally authorized designee, shall be permitted to inspect the recording
29 and to obtain a copy of the recording. Disclosure under this subdivision does not
30 require that the record be made available to the public pursuant to Section 7921.505.

31 (d) Nothing in this section shall be construed to affect any other exemption
32 provided by this division.

33 **Comment.** Section 7923.750 continues former Section 6254.4.5 without substantive change.

34 For additional provisions of the California Public Records Act ("CPRA") that relate specifically
35 to crimes, weapons, or law enforcement, see the rest of this chapter (Sections 7923.600-7923.805).
36 For CPRA provisions on security measures and related matters, see Sections 7929.200-7929.215.

37 For other special rules applicable to specific types of public records, see Sections 7924.000-
38 7929.005, 7929.400-7929.610; 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).

1 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For
2 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
3 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
4 see Sections 7922.525 and 7922.530.

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

8 See Section 7920.520 (“person”).

9 **§ 7923.755. Records of the California Victim Compensation Board**

10 7923.755. (a) This division does not require disclosure of a record of the
11 California Victim Compensation Board that relates to a request for assistance under
12 Article 1 (commencing with Section 13950) of Chapter 5 of Part 4 of Division 3 of
13 Title 2.

14 (b) This section shall not apply to a disclosure of the following information, if no
15 information is disclosed that connects the information to a specific victim,
16 derivative victim, or applicant under Article 1 (commencing with Section 13950) of
17 Chapter 5 of Part 4 of Division 3 of Title 2:

18 (1) The amount of money paid to a specific provider of services.

19 (2) Summary data concerning the types of crimes for which assistance is provided.

20 **Comment.** Section 7923.755 continues former Section 6254.17 without substantive change.

21 For additional provisions of the California Public Records Act (“CPRA”) that relate specifically
22 to crimes, weapons, or law enforcement, see the rest of this chapter (Sections 7923.600-7923.805).
23 For CPRA provisions on security measures and related matters, see Sections 7929.200-7929.215.

24 For other special rules applicable to specific types of public records, see Sections 7924.000-
25 7929.005, 7929.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
26 7930.215 (alphabetical list of many CPRA 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
32 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
33 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
34 see Sections 7922.525 and 7922.530.

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 **Article 5. Firearm Licenses and Related Records**

39 **§ 7923.800. Personal information**

40 7923.800. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
41 division does not require the disclosure of any of the following information
42 contained in an application for a license to carry a firearm, issued by the sheriff of
43 a county or the chief or other head of a municipal police department pursuant to
44 Section 26150, 26155, 26170, or 26215 of the Penal Code:

45 (a) Information that indicates when or where the applicant is vulnerable to attack.

1 (b) Information that concerns the applicant’s medical or psychological history, or
2 that of members of the applicant’s family.

3 **Comment.** Section 7923.800 continues former Section 6254(u)(1) without substantive 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 laws governing firearms and other deadly weapons, see Penal Code Sections 16000-34370.

8 For other special rules applicable to specific types of public records, see Sections 7924.000-
9 7929.005, 7929.400-7929.610; 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
16 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
17 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
18 see Sections 7922.525 and 7922.530.

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 **§ 7923.805. Address and telephone number of person in criminal justice field**

23 7923.805. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
24 division does not require the disclosure of the home address or telephone number of
25 any of the following individuals, as set forth in an application for a license to carry
26 a firearm, or in a license to carry a firearm, issued by the sheriff of a county or the
27 chief or other head of a municipal police department, pursuant to Section 26150,
28 26155, 26170, or 26215 of the Penal Code:

29 (a) A prosecutor.

30 (b) A public defender.

31 (c) A peace officer.

32 (d) A judge.

33 (e) A court commissioner.

34 (f) A magistrate.

35 **Comment.** Section 7923.805 continues former Section 6254(u)(2)-(3) without substantive
36 change.

37 For additional provisions of the California Public Records Act (“CPRA”) that relate specifically
38 to crimes, weapons, or law enforcement, see the rest of this chapter (Sections 7923.600-7923.805).
39 For CPRA provisions on security measures and related matters, see Sections 7929.200-7929.215.
40 For laws governing firearms and other deadly weapons, see Penal Code Sections 16000-34370.

41 For other special rules applicable to specific types of public records, see Sections 7924.000-
42 7929.005, 7929.400-7929.610; 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
2 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
3 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
4 see Sections 7922.525 and 7922.530.

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

8 CHAPTER 2. ELECTION MATERIALS AND PETITIONS

9 Article 1. Voter Information

10 § 7924.000. Voter registration information

11 7924.000. (a) Except as provided in Section 2194 of the Elections Code, both of
12 the following are confidential and shall not be disclosed to any person:

13 (1) The home address, telephone number, email address, precinct number, or other
14 number specified by the Secretary of State for voter registration purposes.

15 (2) Prior registration information shown on an affidavit of registration.

16 (b) The California driver’s license number, the California identification card
17 number, the social security number, and any other unique identifier used by the State
18 of California for purposes of voter identification shown on an affidavit of
19 registration, or added to the voter registration records to comply with the
20 requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901
21 et seq.), are confidential and shall not be disclosed to any person.

22 (c) The signature of the voter that is shown on an affidavit of registration is
23 confidential and shall not be disclosed to any person.

24 (d) For purposes of this section, “home address” means street address only, and
25 does not include an individual’s city or post office address.

26 **Comment.** Section 7924.000 continues former Section 6254.4 without substantive change. The
27 citation to the federal Help America Vote Act of 2002 has been updated to reflect relocation of that
28 Act within the United States Code.

29 For additional provisions of the California Public Records Act (“CPRA”) that relate specifically
30 to election materials and petitions, see the rest of this chapter (Sections 7924.005-7924.110). For
31 other special rules applicable to specific types of public records, see Sections 7923.600-7923.805,
32 7924.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-7930.215
33 (alphabetical list of many CPRA 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
39 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
40 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
41 see Sections 7922.525 and 7922.530.

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 **§ 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
27 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
28 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
29 see Sections 7922.525 and 7922.530.

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 7920.520 (“person”), 7920.530 (“public records”).

34 **Article 2. Initiative, Referendum, Recall, and Other Petitions and**
35 **Related Materials**

36 **§ 7924.100. “Petition”**

37 7924.100. As used in this article, “petition” means any petition to which a
38 registered voter has affixed the voter’s own signature.

39 **Comment.** Section 7924.100 continues former Section 6253.5(c) 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).

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
4 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
5 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
6 see Sections 7922.525 and 7922.530.

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

10 **§ 7924.105. “Proponent of the petition”**

11 7924.105. As used in this article, “proponent of the petition” means the following:

12 (a) For a statewide initiative or referendum measure, the person who submits a
13 draft of a petition proposing the measure to the Attorney General with a request that
14 the Attorney General prepare a title and summary of the chief purpose and points of
15 the proposed measure.

16 (b) For other initiative and referendum measures, the person who publishes a
17 notice of intention to circulate a petition, or, where publication is not required, who
18 files the petition with an elections official.

19 (c) For a recall measure, the person defined in Section 343 of the Elections Code.

20 (d) For a petition circulated pursuant to Section 5091 of the Education Code, the
21 person having charge of the petition who submits the petition to the county
22 superintendent of schools.

23 (e) For a petition circulated pursuant to Article 1 (commencing with Section
24 35700) of Chapter 4 of Part 21 of the Education Code, the person designated as chief
25 petitioner under Section 35701 of the Education Code.

26 (f) For a petition circulated pursuant to Part 46 (commencing with Section 74000)
27 of the Education Code, the person designated as chief petitioner under Section
28 74102, 74133, or 74152 of the Education Code.

29 **Comment.** Section 7924.105 continues former Section 6253.5(d) without substantive change.
30 Section 13 (singular includes plural and vice versa).

31 For additional provisions of the California Public Records Act (“CPRA”) that relate specifically
32 to election materials and petitions, see the rest of this chapter (Sections 7924.000-7924.110). For
33 other special rules applicable to specific types of public records, see Sections 7923.600-7923.805,
34 7924.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-7930.215
35 (alphabetical list of many CPRA 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
41 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
42 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
43 see Sections 7922.525 and 7922.530.

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 7920.520 (“person”), 7924.100 (“petition”).

1 § 7924.110. Initiative, referendum, or recall petition, or petition for reorganization of school
2 districts or community college districts

3 7924.110. (a) Notwithstanding Sections 7920.510, 7920.515, 7920.520,
4 7920.530, 7920.540, 7920.550, 7922.545, subdivision (a) of Section 7920.525,
5 subdivision (b) of Section 7922.540, and Sections 7922.500 to 7922.535, inclusive,
6 the following are not public records:

7 (1) A statewide, county, city, or district initiative, referendum, or recall petition.

8 (2) A petition circulated pursuant to Section 5091 of the Education Code.

9 (3) A petition for reorganization of school districts submitted pursuant to Article
10 1 (commencing with Section 35700) of Chapter 4 of Part 21 of the Education Code.

11 (4) A petition for reorganization of community college districts submitted
12 pursuant to Part 46 (commencing with Section 74000) of the Education Code.

13 (5) A memorandum prepared by a county elections official in the examination of
14 a petition, indicating which registered voters signed that particular petition.

15 (b) The materials described in subdivision (a) shall not be open to inspection
16 except by the following persons:

17 (1) A public officer or public employee who has the duty of receiving, examining,
18 or preserving the petition, or who is responsible for preparation of the memorandum.

19 (2) If a petition is found to be insufficient, by the proponent of the petition and a
20 representative of the proponent as may be designated by the proponent in writing,
21 in order to determine which signatures were disqualified and the reasons therefor.

22 (c) Notwithstanding subdivisions (a) and (b), the Attorney General, the Secretary
23 of State, the Fair Political Practices Commission, a district attorney, a city attorney,
24 a school district attorney, and a community college district attorney shall be
25 permitted to examine the materials described in subdivision (a) upon approval of
26 the appropriate superior court.

27 (d) If the proponent of a petition is permitted to examine a petition and a
28 memorandum pursuant to subdivision (b), the examination shall commence not later
29 than 21 days after certification of insufficiency, and the county elections official
30 shall retain the documents as prescribed in Section 17200 of the Elections Code.

31 **Comment.** Subdivision (a) and (b) of Section 7924.110 continue the first sentence of former
32 Section 6253.5(a) without substantive change.

33 Subdivision (c) continues the second sentence of former Section 6253.5(a) without substantive
34 change.

35 Subdivision (d) continues former Section 6253.5(b) without substantive change.

36 For additional provisions of the California Public Records Act (“CPRA”) that relate specifically
37 to election materials and petitions, see the rest of this chapter (Sections 7924.000-7924.110). For
38 other special rules applicable to specific types of public records, see Sections 7923.600-7923.805,
39 7924.400-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-7930.215
40 (alphabetical list of many CPRA 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
46 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over

1 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
2 see Sections 7922.525 and 7922.530.

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 See Sections 7920.520 (“person”), 7920.530 (“public records”), 7920.550 (“writing”), 7924.100
7 (“petition”), 7924.105 (“proponent of the petition”). See also Section 13 (singular includes plural
8 and vice versa).

9 CHAPTER 3. ENVIRONMENTAL PROTECTION, BUILDING STANDARDS,
10 AND SAFETY REQUIREMENTS

11 Article 1. Pesticide Safety and Efficacy Information Disclosable
12 Under the Federal Insecticide, Fungicide, and Rodenticide Act

13 § 7924.300. Disclosure of pesticide safety and efficacy information

14 7924.300. If both of the following conditions are satisfied, nothing in this division
15 exempts from public disclosure the same categories of pesticide safety and efficacy
16 information that are disclosable under paragraph (1) of subsection (d) of Section 10
17 of the federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec.
18 136h(d)(1)):

19 (a) The individual requesting the information is not an officer, employee, or agent
20 specified in subdivision (a) of Section 7924.310.

21 (b) The individual signs the affirmation specified in subdivision (b) of Section
22 7924.310.

23 **Comment.** Section 7924.300 continues former Section 6254.2(a) 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 7924.305-7924.335). 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
38 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
39 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
40 see Sections 7922.525 and 7922.530.

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 § 7924.305. Data submitted and designated as trade secret

2 7924.305. (a) The Director of Pesticide Regulation, upon the Director’s initiative,
3 or upon receipt of a request pursuant to this division for the release of data submitted
4 and designated as a trade secret by a registrant or applicant, shall determine whether
5 any or all of the data so submitted is a properly designated trade secret. In order to
6 assure that the interested public has an opportunity to obtain and review pesticide
7 safety and efficacy data and to comment prior to the expiration of the public
8 comment period on a proposed pesticide registration, the director shall provide
9 notice to interested persons when an application for registration enters the
10 registration evaluation process.

11 (b) If the director determines that the data is not a trade secret, the director shall
12 notify the registrant or applicant by certified mail.

13 (c) The registrant or applicant shall have 30 days after receipt of this notification
14 to provide the director with a complete justification and statement of the grounds on
15 which the trade secret privilege is claimed. This justification and statement shall be
16 submitted by certified mail.

17 (d) The director shall determine whether the data is protected as a trade secret
18 within 15 days after receipt of the justification and statement or, if no justification
19 and statement is filed, within 45 days of the original notice. The director shall notify
20 the registrant or applicant and any party who has requested the data pursuant to this
21 division of that determination by certified mail. If the director determines that the
22 data is not protected as a trade secret, the final notice shall also specify a date, not
23 sooner than 15 days after the date of mailing of the final notice, when the data shall
24 be available to any person requesting information pursuant to Section 7924.300.

25 (e) This article does not prohibit any person from maintaining a civil action for
26 wrongful disclosure of a trade secret.

27 (f) “Trade secret” means data that is nondisclosable under paragraph (1) of
28 subsection (d) of Section 10 of the federal Insecticide, Fungicide, and Rodenticide
29 Act (7 U.S.C. Sec. 136h(d)(1)).

30 **Comment.** Subdivision (a) of Section 7924.305 continues former Section 6254.2(b) without
31 substantive change.

32 Subdivision (b) continues former Section 6254.2(c) without substantive change.

33 Subdivision (c) continues former Section 6254.2(d) without substantive change.

34 Subdivision (d) continues former Section 6254.2(e) without substantive change.

35 Subdivision (e) continues former Section 6254.2(m) without substantive change.

36 Subdivision (f) continues former Section 6254.2(f) without substantive change.

37 For additional provisions of the California Public Records Act (“CPRA”) that relate to pesticide
38 safety and efficacy information disclosable under the federal Insecticide, Fungicide, and
39 Rodenticide Act, see the rest of this article (Sections 7924.300-7924.335). For CPRA provisions
40 relating to pollution, see Sections 7924.500-7924.510; see also Section 7924.900 (internet posting
41 of final enforcement orders of California Environmental Protection Agency and specified entities
42 within that entity). For a provision on housing or building violations, see Section 7924.700.

43 For other special rules applicable to specific types of public records, see Sections 7923.600-
44 7924.110, 7925.000-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
45 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
6 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
7 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
8 see Sections 7922.525 and 7922.530.

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 See Section 7920.520 ("person"). See also Section 13 (singular includes plural and vice versa).

13 **Note.** Existing Section 6254.2(b) says:

14 (b) The Director of Pesticide Regulation, upon his or her initiative, or upon receipt
15 of a request pursuant to this chapter for the release of data submitted and designated
16 as a trade secret by a registrant or applicant, shall determine whether any or all of the
17 data so submitted is a properly designated trade secret. *In order to assure that the*
18 *interested public has an opportunity to obtain and review pesticide safety and efficacy*
19 *data and to comment prior to the expiration of the public comment period on a*
20 *proposed pesticide registration, the director shall provide notice to interested persons*
21 *when an application for registration enters the registration evaluation process.*

22 The second sentence (shown in italics) establishes a notice requirement for a proposed pesticide
23 registration. Does it belong in the CPRA or should it be recodified elsewhere?

24 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
25 **especially appreciate public comment on this issue.**

26 **§ 7924.310. Prohibition on disclosure of application or registration information to person**
27 **with specified foreign connection**

28 7924.310. (a) Unless the applicant or registrant consents to disclosure of
29 information that the applicant or registrant submits to the state pursuant to Article 4
30 (commencing with Section 12811) of Chapter 2 of Division 7 of the Food and
31 Agricultural Code, the Director of Pesticide Regulation shall not knowingly disclose
32 any of that information to any of the following:

33 (1) An officer, employee, or agent of any business or other entity engaged in the
34 production, sale, or distribution of pesticides in a country other than the United
35 States, or in a country in addition to the United States.

36 (2) Any other person who intends to deliver this information to any foreign or
37 multi-national business or entity.

38 (b) To implement this section, the director shall require a person requesting
39 information described in subdivision (a) to sign the following affirmation:

40 **AFFIRMATION OF STATUS**

41 This affirmation is required by Article 1 (commencing with Section 7924.310) of
42 Chapter 3 of Part 5 of Division 10 of Title 1 of the Government Code.

43 I have requested access to information submitted to the Department of Pesticide
44 Regulation (or previously submitted to the Department of Food and Agriculture) by

1 a pesticide applicant or registrant pursuant to the California Food and Agricultural
2 Code. I hereby affirm all of the following statements:

3 (1) I do not seek access to the information for purposes of delivering it or offering
4 it for sale to any business or other entity, including the business or entity of which I
5 am an officer, employee, or agent, engaged in the production, sale, or distribution
6 of pesticides in a country other than the United States or in a country in addition to
7 the United States, or to an officer, employee, or agent of such a business or entity.

8 (2) I will not purposefully deliver or negligently cause the data to be delivered to
9 a business or entity specified in paragraph (1) or its officers, employees, or agents.

10 I am aware that I may be subject to criminal penalties under Section 118 of the
11 Penal Code if I make any statement of material facts knowing that the statement is
12 false or if I willfully conceal any material fact.

13 _____
14 Name of Requester

_____ Name of Requester's Organization

15 _____
16 Signature of Requester

_____ Address of Requester

17 _____
18 Date

_____ Request No.

_____ Telephone Number of Requester

19
20 _____
21 Name, Address, and Telephone
22 Number of Requester's Client if
23 the requester has requested access
24 to the information on behalf of
25 someone other than the requester
26 or the requester's organization
27 listed above.

28 (c) Section 118 of the Penal Code applies to any affirmation made pursuant to this
29 article.

30 **Comment.** Subdivisions (a) and (b) of Section 7924.310 continue former Section 6254.2(h)
31 without substantive change.

32 Subdivision (c) continues former Section 6254.2(k) without substantive change.

33 For additional provisions of the California Public Records Act ("CPRA") that relate to pesticide
34 safety and efficacy information disclosable under the federal Insecticide, Fungicide, and
35 Rodenticide Act, see the rest of this article (Sections 7924.300-7924.335). For CPRA provisions
36 relating to pollution, see Sections 7924.500-7924.510; see also Section 7924.900 (internet posting
37 of final enforcement orders of California Environmental Protection Agency and specified entities
38 within that entity). For a provision on housing or building violations, see Section 7924.700.

39 For other special rules applicable to specific types of public records, see Sections 7923.600-
40 7924.110, 7925.000-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
41 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
6 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
7 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
8 see Sections 7922.525 and 7922.530.

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 See Section 7920.520 ("person").

13 **§ 7924.315. Information needed to determine whether pesticide or ingredient causes**
14 **unreasonable adverse effect on health or environment**

15 7924.315. Notwithstanding any other provision of this article, if the Director of
16 Pesticide Regulation determines that information submitted by an applicant or
17 registrant is needed to determine whether a pesticide, or any ingredient of any
18 pesticide, causes unreasonable adverse effects on health or the environment, the
19 director may disclose that information to any person in connection with a public
20 proceeding conducted under law or regulation.

21 **Comment.** Section 7924.315 continues former Section 6254.2(i) without substantive change.

22 For additional provisions of the California Public Records Act ("CPRA") that relate to pesticide
23 safety and efficacy information disclosable under the federal Insecticide, Fungicide, and
24 Rodenticide Act, see the rest of this article (Sections 7924.300-7924.335). For CPRA provisions
25 relating to pollution, see Sections 7924.500-7924.510; see also Section 7924.900 (internet posting
26 of final enforcement orders of California Environmental Protection Agency and specified entities
27 within that entity). For a provision on housing or building violations, see Section 7924.700.

28 For other special rules applicable to specific types of public records, see Sections 7923.600-
29 7924.110, 7925.000-7929.610; 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
36 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
37 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
38 see Sections 7922.525 and 7922.530.

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 **§ 7924.320. Recordkeeping and notification**

44 7924.320. The Director of Pesticide Regulation shall maintain records of the
45 names of persons to whom data is disclosed pursuant to this article and the persons
46 or organizations they represent and shall inform the applicant or registrant of the
47 names and the affiliation of these persons.

1 **Comment.** Section 7924.320 continues former Section 6254.2(j) without substantive change.

2 For additional provisions of the California Public Records Act (“CPRA”) that relate to pesticide
3 safety and efficacy information disclosable under the federal Insecticide, Fungicide, and
4 Rodenticide Act, see the rest of this article (Sections 7924.300-7924.335). For CPRA provisions
5 relating to pollution, see Sections 7924.500-7924.510; see also Section 7924.900 (internet posting
6 of final enforcement orders of California Environmental Protection Agency and specified entities
7 within that entity). For a provision on housing or building violations, see Section 7924.700.

8 For other special rules applicable to specific types of public records, see Sections 7923.600-
9 7924.110, 7925.000-7929.610; 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
16 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
17 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
18 see Sections 7922.525 and 7922.530.

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 Section 7920.520 (“person”).

23 **§ 7924.325. Effect of frivolous request**

24 7924.325. The Director of Pesticide Regulation may limit an individual to one
25 request per month pursuant to this article if the director determines that a person has
26 made a frivolous request within the past 12-month period.

27 **Comment.** Section 7924.325 continues former Section 6254.2(n) without substantive change.

28 For additional provisions of the California Public Records Act (“CPRA”) that relate to pesticide
29 safety and efficacy information disclosable under the federal Insecticide, Fungicide, and
30 Rodenticide Act, see the rest of this article (Sections 7924.300-7924.335). For CPRA provisions
31 relating to pollution, see Sections 7924.500-7924.510; see also Section 7924.900 (internet posting
32 of final enforcement orders of California Environmental Protection Agency and specified entities
33 within that entity). For a provision on housing or building violations, see Section 7924.700.

34 For other special rules applicable to specific types of public records, see Sections 7923.600-
35 7924.110, 7925.000-7929.610; 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
42 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
43 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
44 see Sections 7922.525 and 7922.530.

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 Section 7920.520 (“person”).

1 **§ 7924.330. Penalty for willfully disclosing material prohibited from disclosure by this**
2 **article**

3 7924.330. (a) Any officer or employee of the state, or former officer or employee
4 of the state, who, because of this employment or official position, obtains possession
5 of, or has access to, material which is prohibited from disclosure by this article, and
6 who, knowing that disclosure of this material is prohibited by this article, willfully
7 discloses the material in any manner to any person not entitled to receive it, shall,
8 upon conviction, be punished by a fine of not more than ten thousand dollars
9 (\$10,000), or by imprisonment in the county jail for not more than one year, or by
10 both fine and imprisonment.

11 (b) For purposes of this section, any contractor with the state who is furnished
12 information pursuant to this article, or any employee of any contractor, shall be
13 considered an employee of the state.

14 **Comment.** Section 7924.330 continues former Section 6254.2(l) without substantive change.

15 For additional provisions of the California Public Records Act (“CPRA”) that relate to pesticide
16 safety and efficacy information disclosable under the federal Insecticide, Fungicide, and
17 Rodenticide Act, see the rest of this article (Sections 7924.300-7924.335). For CPRA provisions
18 relating to pollution, see Sections 7924.500-7924.510; see also Section 7924.900 (internet posting
19 of final enforcement orders of California Environmental Protection Agency and specified entities
20 within that entity). For a provision on housing or building violations, see Section 7924.700.

21 For other special rules applicable to specific types of public records, see Sections 7923.600-
22 7924.110, 7925.000-7929.610; 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
29 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
30 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
31 see Sections 7922.525 and 7922.530.

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 Section 7920.520 (“person”).

36 **§ 7924.335. Conditional operation**

37 7924.335. This article shall be operative only so long as, and to the extent that,
38 enforcement of paragraph (1) of subsection (d) of Section 10 of the federal
39 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136h(d)(1)) has not been
40 enjoined by federal court order. If a final and unappealable federal court judgment
41 or decision holds that paragraph invalid, this article shall become inoperative, to the
42 extent of the invalidity.

43 **Comment.** Section 7924.335 continues former Section 6254.2(g) without substantive change.

44 For additional provisions of the California Public Records Act (“CPRA”) that relate to pesticide
45 safety and efficacy information disclosable under the federal Insecticide, Fungicide, and
46 Rodenticide Act, see the rest of this article (Sections 7924.300-7924.335). For CPRA provisions
47 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
11 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
12 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
13 see Sections 7922.525 and 7922.530.

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 Article 2. Pollution

18 § 7924.500. Information received or compiled by air pollution control officer

19 7924.500. Nothing in this division requires the disclosure of records that relate to
20 volatile organic compound or chemical substance information received or compiled
21 by an air pollution control officer pursuant to Section 42303.2 of the Health and
22 Safety Code.

23 **Comment.** Section 7924.500 continues former Section 6254.11 without substantive change. See
24 Section 13 (singular includes plural and vice versa).

25 For additional provisions of the California Public Records Act ("CPRA") that relate to pollution,
26 see Sections 7924.505, 7924.510; see also Section 7924.900 (internet posting of final enforcement
27 orders of California Environmental Protection Agency and specified entities within that entity). For
28 CPRA provisions that relate to pesticide safety and efficacy information disclosable under the
29 federal Insecticide, Fungicide, and Rodenticide Act, see Sections 7924.300-7924.335. For a
30 provision on housing or building violations, see Section 7924.700.

31 For other special rules applicable to specific types of public records, see Sections 7923.600-
32 7924.110, 7925.000-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
33 7930.215 (alphabetical list of many CPRA 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
39 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
40 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
41 see Sections 7922.525 and 7922.530.

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 **§ 7924.505. Financial data in application under California Pollution Control Financing**
2 **Authority Act**

3 7924.505. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
4 this division does not require the disclosure of financial data contained in an
5 application for financing under Division 27 (commencing with Section 44500) of
6 the Health and Safety Code, if an authorized officer of the California Pollution
7 Control Financing Authority determines that disclosure of the financial data would
8 be competitively injurious to the applicant and the data is required in order to obtain
9 a guarantee from the United States Small Business Administration.

10 (b) The California Pollution Control Financing Authority shall adopt rules for
11 review of individual requests for confidentiality under this section and for making
12 available to the public those portions of an application that are subject to disclosure
13 under this division.

14 **Comment.** Section 7924.505 continues former Section 6254(o) without substantive change. See
15 Section 13 (singular includes plural and vice versa).

16 For other provisions governing disclosure of financial records, see “Chapter 4. Financial Records
17 and Tax Records” (Sections 7925.000-7925.010). For additional provisions of the California Public
18 Records Act (“CPRA”) that relate to pollution, see Sections 7924.500, 7924.510; see also Section
19 7924.900 (internet posting of final enforcement orders of California Environmental Protection
20 Agency and specified entities within that entity). For CPRA provisions that relate to pesticide safety
21 and efficacy information disclosable under the federal Insecticide, Fungicide, and Rodenticide Act,
22 see Sections 7924.300-7924.335. For a provision on housing or building violations, see Section
23 7924.700.

24 For other special rules applicable to specific types of public records, see Sections 7923.600-
25 7924.110, 7926.000-7929.610; see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
26 7930.215 (alphabetical list of many CPRA 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
32 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
33 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
34 see Sections 7922.525 and 7922.530.

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 **§ 7924.510. Pollution information generally**

39 7924.510. (a) Any information, analysis, plan, or specification that discloses the
40 nature, extent, quantity, or degree of an air contaminant or other pollution that any
41 article, machine, equipment, or other contrivance will produce, which any air
42 pollution control district or air quality management district, or any other state or
43 local agency or district, requires any applicant to provide before the applicant builds,
44 erects, alters, replaces, operates, sells, rents, or uses the article, machine, equipment,
45 or other contrivance, is a public record.

1 (b) All air or other pollution monitoring data, including data compiled from a
2 stationary source, are public records.

3 (c) Except as otherwise provided in subdivision (d) and Chapter 3 (commencing
4 with Section 99150) of Part 65 of the Education Code, a trade secret is not a public
5 record under this section or Section 7924.700.

6 (d) Notwithstanding any other provision of law, all air pollution emission data,
7 including those emission data that constitute trade secrets as defined in subdivision
8 (f), are public records. Data used to calculate emission data are not emission data
9 for the purposes of this subdivision and data that constitute trade secrets and that are
10 used to calculate emission data are not public records.

11 (e) Data used to calculate the costs of obtaining emissions offsets are not public
12 records. At the time that an air pollution control district or air quality management
13 district issues a permit to construct to an applicant who is required to obtain offsets
14 pursuant to district rules and regulations, data obtained from the applicant consisting
15 of the year the offset transaction occurred, the amount of offsets purchased, by
16 pollutant, and the total cost, by pollutant, of the offsets purchased is a public record.
17 If an application is denied, the data shall not be a public record.

18 (f) As used in this section, “trade secret” may include, but is not limited to, any
19 formula, plan, pattern, process, tool, mechanism, compound, procedure, production
20 data, or compilation of information that satisfies all of the following requirements:

21 (1) It is not patented.

22 (2) It is known only to certain individuals within a commercial concern who are
23 using it to fabricate, produce, or compound an article of trade or a service having
24 commercial value.

25 (3) It gives its user an opportunity to obtain a business advantage over competitors
26 who do not know or use it.

27 **Comment.** Subdivision (a) of Section 7924.510 continues former Section 6254.7(a) without
28 substantive change.

29 Subdivision (b) continues former Section 6254.7(b) without substantive change.

30 Subdivision (c) continues the first sentence of former Section 6254.7(d) without substantive
31 change.

32 Subdivision (d) continues former Section 6254.7(e) without substantive change.

33 Subdivision (e) continues former Section 6254.7(f) without substantive change.

34 Subdivision (f) continues the second sentence of former Section 6254.7(d) without substantive
35 change.

36 For additional provisions of the California Public Records Act (“CPRA”) that relate to pollution,
37 see Sections 7924.500, 7924.505; 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. For a
41 provision on housing or building violations, see Section 7924.700.

42 For other special rules applicable to specific types of public records, see Sections 7923.600-
43 7924.110, 7925.000-7929.610; 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
4 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
5 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
6 see Sections 7922.525 and 7922.530.

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

10 See Sections 7920.510 ("local agency"), 7920.530 ("public records"), 7920.540 ("state agency").
11 See also Section 13 (singular includes plural and vice versa).

12 Article 3. Building Standards and Safety Requirements

13 § 7924.700. Record relating to housing or building violation

14 7924.700. (a) A record of a notice or an order that is directed to the owner of any
15 building and relates to violation of a housing or building code, ordinance, statute, or
16 regulation that constitutes a violation of a standard provided in Section 1941.1
17 of the Civil Code is a public record.

18 (b) A record of subsequent action with respect to a notice or order described in
19 subdivision (a) is a public record.

20 **Comment.** Section 7924.700 continues former Section 6254.7(c) without substantive change.
21 For a special rule applicable to a trade secret, see Section 7924.510(c).

22 For provisions of the California Public Records Act ("CPRA") that relate to pollution, see
23 Sections 7924.500-7924.510; see also Section 7924.900 (internet posting of final enforcement
24 orders of California Environmental Protection Agency and specified entities within that entity). For
25 CPRA provisions that relate to pesticide safety and efficacy information disclosable under the
26 federal Insecticide, Fungicide, and Rodenticide Act, see Sections 7924.300-7924.335.

27 For other special rules applicable to specific types of public records, see Sections 7923.600-
28 7924.110, 7925.000-7929.610; 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
35 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
36 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
37 see Sections 7922.525 and 7922.530.

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

41 See Section 7920.530 ("public records"). See also Section 13 (singular includes plural and vice
42 versa).

43 **Note.** Subdivisions (a), (b), (d), (e), and (f) of existing Section 6254.7 concern pollution data and
44 other pollution-related matters. In contrast, subdivision (c) concerns violations of building
45 standards and safety requirements. It says:

46 (c) All records of notices and orders directed to the owner of any building of
47 violations of housing or building codes, ordinances, statutes, or regulations which

1 constitute violations of standards provided in Section 1941.1 of the Civil Code, and
2 records of subsequent action with respect to those notices and orders, are public records.

3 Because subdivision (c) deals with a distinct topic, the Commission tentatively decided to
4 recodify it in a separate article as shown here (proposed Section 7924.700) instead of in “Article 2.
5 Pollution” with the rest of the substance of Section 6254.7 (proposed Section 7924.510). That
6 organizational scheme would help draw attention to the provision. However, the approach would
7 also slightly complicate the task of conforming the many statutes that cross-refer to Section 6254.7.

8 Would the benefits of this organizational scheme outweigh that detriment? **Comments on this**
9 **point would be helpful.**

10 Article 4. Enforcement Orders

11 § 7924.900. Internet posting of final enforcement orders of California Environmental 12 Protection Agency and specified entities within that agency

13 7924.900. (a) Every final enforcement order issued by an agency listed in
14 subdivision (b) under any provision of law that is administered by an entity listed in
15 subdivision (b), shall be displayed on the entity’s Internet website, if the final
16 enforcement order is a public record that is not exempt from disclosure pursuant to
17 this division.

18 (b) This section applies to the California Environmental Protection Agency and
19 to all of the following entities within the agency:

20 (1) The State Air Resources Board.

21 (2) The California Integrated Waste Management Board.

22 (3) The State Water Resources Control Board, and each California regional water
23 quality control board.

24 (4) The Department of Pesticide Regulation.

25 (5) The Department of Toxic Substances Control.

26 (c)(1) Except as provided in paragraph (2), for purposes of this section, an
27 enforcement order is final when the time for judicial review has expired on or after
28 January 1, 2001, or when all means of judicial review have been exhausted on or
29 after January 1, 2001.

30 (2) In addition to the requirements of paragraph (1), with regard to a final
31 enforcement order issued by the State Water Resources Control Board or a
32 California regional water quality control board, this section shall apply only to a
33 final enforcement order adopted by that entity at a public meeting.

34 (d) An order posted pursuant to this section shall be posted for not less than one
35 year.

36 (e) The California Environmental Protection Agency shall oversee the
37 implementation of this section.

38 **Comment.** Section 7924.900 continues former Section 6253.8(a)-(e) without substantive
39 change. Former Section 6253.8(f), which stated that “[t]his section shall become operative April 1,
40 2001,” is discontinued as obsolete.

41 For the effect of posting a public record on an agency’s Internet website, see Section 7922.545.
42 For provisions of the California Public Records Act (“CPRA”) that relate to pollution, see Sections
43 7924.500-7924.510. For CPRA provisions that relate to pesticide safety and efficacy information

1 disclosable under the federal Insecticide, Fungicide, and Rodenticide Act, see Sections 7924.300-
2 7924.335. 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
11 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
12 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
13 see Sections 7922.525 and 7922.530.

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 7920.530 ("public records").

18 CHAPTER 4. FINANCIAL RECORDS AND TAX RECORDS

19 § 7925.000. Confidential taxpayer information required in collection of local taxes

20 7925.000. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
21 division does not require the disclosure of information required from any taxpayer
22 in connection with the collection of local taxes if that information is received in
23 confidence and disclosure of it to other persons would result in unfair competitive
24 disadvantage to the person supplying the information.

25 **Comment.** Section 7925.000 continues former Section 6254(i) without substantive change.

26 For other provisions of the California Public Records Act ("CPRA") that relate specifically to
27 financial records or tax records, see Sections 7925.005, 7925.010. For CPRA provisions that relate
28 to personal information or customer records, see Sections 7927.400-7927.420.

29 For other special rules applicable to specific types of public records, see Sections 7923.600-
30 7924.900, 7926.000-7927.300, 7927.500-7929.610; see also Sections 7922.000 (CPRA catch-all
31 exemption), 7930.000-7930.215 (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
37 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
38 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
39 see Sections 7922.525 and 7922.530.

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 Section 7920.520 ("person").

44 § 7925.005. Personal financial records required by licensing agency

45 7925.005. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
46 division does not require the disclosure of a statement of personal worth or personal
47 financial data required by a licensing agency and filed by an applicant with the

1 licensing agency to establish the applicant’s personal qualification for the license,
2 certificate, or permit requested.

3 **Comment.** Section 7925.005 continues former Section 6254(n) without substantive change.

4 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
5 financial records or tax records, see Sections 7925.000, 7925.010. For CPRA provisions that relate
6 to personal information or customer records, see Sections 7927.400-7927.420.

7 For other special rules applicable to specific types of public records, see Sections 7923.600-
8 7924.900, 7926.000-7927.300, 7927.500-7929.610; see also Sections 7922.000 (CPRA catch-all
9 exemption), 7930.000-7930.215 (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
15 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
16 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
17 see Sections 7922.525 and 7922.530.

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 **§ 7925.010. Financial data relating to service contractor**

22 7925.010. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
23 division does not require the disclosure of any of the following records:

24 (a) Financial data contained in an application for registration, or registration
25 renewal, as a service contractor, which is filed with the Director of Consumer
26 Affairs pursuant to Chapter 20 (commencing with Section 9800) of Division 3 of
27 the Business and Professions Code, for the purpose of establishing the service
28 contractor’s net worth.

29 (b) Financial data regarding the funded accounts held in escrow for service
30 contracts held in force in this state by a service contractor.

31 **Comment.** Section 7925.010 continues former Section 6254(x) without substantive change.

32 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
33 financial records or tax records, see Sections 7925.000, 7925.005. For CPRA provisions that relate
34 to personal information or customer records, see Sections 7927.400-7927.420.

35 For other special rules applicable to specific types of public records, see Sections 7923.600-
36 7924.900, 7926.000-7927.300, 7927.500-7929.610; see also Sections 7922.000 (CPRA catch-all
37 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
43 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
44 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
45 see Sections 7922.525 and 7922.530.

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.

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CHAPTER 5. HEALTH CARE

Article 1. Accreditation

§ 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 State 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 the rest of this chapter (Sections 7926.100-7926.500); see also Section 7927.700 (exemption for medical files “disclosure of which would constitute an unwarranted invasion of personal privacy”). For CPRA provisions that relate to workers’ compensation, see Sections 7929.400-7929.430.

For other special rules applicable to specific types of public records, see Sections 7923.600-7925.010, 7927.000-7929.215, 7929.600-7929.610; 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 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record, see Sections 7922.525 and 7922.530.

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.

Article 2. Advance Health Care Directive and Related Matters

§ 7926.100. Information provided for purpose of registration in Advance Health Care

Directive Registry

7926.100. (a) Except as provided in subdivision (b) and in Sections 7924.510, 7924.700, and 7927.605, this division does not require the disclosure of any information that a person provides to the Secretary of State for the purpose of registration in the Advance Health Care Directive Registry.

(b) The information described in subdivision (a) shall be released at the request of a health care provider, a public guardian, or the registrant’s legal representative.

Comment. Section 7926.100 continues former Section 6254(ac) without substantive change.

For other provisions of the California Public Records Act (“CPRA”) that relate specifically to health care, see the rest of this chapter (Sections 7926.000-7926.500); see also Section 7927.700 (exemption for medical files “disclosure of which would constitute an unwarranted invasion of

1 personal privacy”). For CPRA provisions that relate to workers’ compensation, see Sections
2 7929.400-7929.430.

3 For other special rules applicable to specific types of public records, see Sections 7923.600-
4 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
5 exemption), 7930.000-7930.215 (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
11 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
12 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
13 see Sections 7922.525 and 7922.530.

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 7920.520 (“person”).

18 Article 3. Contracts and Negotiations

19 § 7926.200. Health facility disclosing relevant financing information to certified bargaining 20 agent

21 7926.200. The provisions listed in Section 7920.505 do not prevent any health
22 facility from disclosing to a certified bargaining agent relevant financing
23 information pursuant to Section 8 of the National Labor Relations Act (29 U.S.C.
24 Sec. 158).

25 **Comment.** Section 7926.200 continues the unlabeled last paragraph of former Section 6254
26 without substantive change.

27 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
28 health care, see the rest of this chapter (Sections 7926.000-7926.500); see also Section 7927.700
29 (exemption for medical files “disclosure of which would constitute an unwarranted invasion of
30 personal privacy”). For CPRA provisions that relate to workers’ compensation, see Sections
31 7929.400-7929.430.

32 For other special rules applicable to specific types of public records, see Sections 7923.600-
33 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
34 exemption), 7930.000-7930.215 (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
40 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
41 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
42 see Sections 7922.525 and 7922.530.

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.

1 § 7926.205. Specified records of health plan licensed under Knox-Keene Act and governed
2 by board of supervisors

3 7926.205. (a) Nothing in this division or any other provision of law requires
4 disclosure of records of a health plan that is licensed pursuant to the Knox-Keene
5 Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340)
6 of Division 2 of the Health and Safety Code) and that is governed by a county board
7 of supervisors, whether paper records, records maintained in the management
8 information system, or records in any other form, that relate to provider rate or
9 payment determinations, allocation or distribution methodologies for provider
10 payments, formulae or calculations for these payments, and contract negotiations
11 with providers of health care for alternative rates for a period of three years after the
12 contract is fully executed.

13 (b) Transmission of the records described in subdivision (a), or the information
14 contained therein in an alternative form, to the board of supervisors is not a waiver
15 of exemption from disclosure. The records and information once transmitted to the
16 board of supervisors remain subject to the exemption described in subdivision (a).

17 (c)(1) This section does not prevent the Joint Legislative Audit Committee from
18 accessing any records in the exercise of its powers pursuant to Article 1
19 (commencing with Section 10500) of Chapter 4 of Part 2 of Division 2 of Title 2.

20 (2) This section does not prevent the Department of Managed Health Care from
21 accessing any records in the exercise of its powers pursuant to Article 1
22 (commencing with Section 1340) of Chapter 2.2 of Division 2 of the Health and
23 Safety Code.

24 **Comment.** Subdivision (a) of Section 7926.205 continues the first sentence of former Section
25 6254.22 without substantive change.

26 Subdivision (b) continues the second sentence of former Section 6254.22 without substantive
27 change.

28 Subdivision (c) continues the third and fourth sentences of former Section 6254.22 without
29 substantive change.

30 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
31 health care, see the rest of this chapter (Sections 7926.000-7926.500); see also Section 7927.700
32 (exemption for medical files “disclosure of which would constitute an unwarranted invasion of
33 personal privacy”). For CPRA provisions that relate to workers’ compensation, see Sections
34 7929.400-7929.430.

35 For other special rules applicable to specific types of public records, see Sections 7923.600-
36 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
37 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
43 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
44 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
45 see Sections 7922.525 and 7922.530.

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 **§ 7926.210. Records of municipal hospital or local hospital district that relate to contract**
2 **with insurer or nonprofit hospital service plan for alternative rates**

3 7926.210. (a) Except as provided in subdivision (b) or in Sections 7924.510,
4 7924.700, and 7927.605, this division does not require disclosure of any records of
5 a local hospital district, formed pursuant to Division 23 (commencing with Section
6 32000) of the Health and Safety Code, or a municipal hospital, formed pursuant to
7 Article 7 (commencing with Section 37600) or Article 8 (commencing with Section
8 37650) of Chapter 5 of Part 2 of Division 3 of Title 4, that relate to a contract with
9 an insurer or a nonprofit hospital service plan for inpatient or outpatient services for
10 alternative rates pursuant to Section 10133 of the Insurance Code.

11 (b) A record described in subdivision (a) shall be open to inspection within one
12 year after the contract is fully executed.

13 **Comment.** Section 7926.210 continues former Section 6254(t) 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
27 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
28 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
29 see Sections 7922.525 and 7922.530.

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 **§ 7926.215. Records relating to contracts for health care services for Department of**
34 **Corrections and Rehabilitation**

35 7926.215. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
36 this division does not require disclosure of records of the Department of Corrections
37 and Rehabilitation that relate to health care services contract negotiations, and that
38 reveal the deliberative processes, discussions, communications, or any other portion
39 of the negotiations, including, but not limited to, records related to those
40 negotiations such as meeting minutes, research, work product, theories, or strategy
41 of the department, or its staff, or members of the California Medical Assistance
42 Commission, or its staff, who act in consultation with, or on behalf of, the
43 department.

44 (b)(1) Except for the portion that contains the rates of payment, a contract for
45 health services entered into by the Department of Corrections and Rehabilitation or

1 the California Medical Assistance Commission on or after July 1, 1993, shall be
2 open to inspection one year after it is fully executed.

3 (2) If a contract for health services was entered into before July 1, 1993, and
4 amended on or after July 1, 1993, the amendment, except for any portion containing
5 rates of payment, shall be open to inspection one year after it is fully executed.

6 (c) Three years after a contract or amendment is open to inspection under this
7 section, the portion of the contract or amendment containing the rates of payment
8 shall be open to inspection.

9 (d)(1) Notwithstanding any other provision of law, including, but not limited to,
10 Section 1060 of the Evidence Code, the entire contract or amendment shall be open
11 to inspection by the California State Auditor’s Office, the Joint Legislative Audit
12 Committee, and the Legislative Analyst’s Office.

13 (2) The California State Auditor’s Office, the Joint Legislative Audit Committee,
14 and the Legislative Analyst’s Office shall maintain the confidentiality of each
15 contract or amendment until the contract or amendment is fully open to inspection
16 by the public.

17 (e) It is the intent of the Legislature that the confidentiality of health care provider
18 contracts, and of the contracting process as provided in this section, shall protect the
19 competitive nature of the negotiation process, and shall not affect public access to
20 other information relating to the delivery of health care services.

21 **Comment.** Subdivision (a) of Section 7926.215 continues former Section 6254.14(a)(1) without
22 substantive change.

23 Subdivision (b) continues former Section 6254.14(a)(2) without substantive change.

24 Subdivision (c) continues former Section 6254.14(a)(3) without substantive change.

25 Subdivision (d) continues former Section 6254.14(a)(4) without substantive change.

26 Subdivision (e) continues former Section 6254.14(a)(5) without substantive change.

27 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
28 health care, see the rest of this chapter (Sections 7926.000-7926.500); see also Section 7927.700
29 (exemption for medical files “disclosure of which would constitute an unwarranted invasion of
30 personal privacy”). For CPRA provisions that relate to workers’ compensation, see Sections
31 7929.400-7929.430.

32 For other special rules applicable to specific types of public records, see Sections 7923.600-
33 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
34 exemption), 7930.000-7930.215 (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
40 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
41 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
42 see Sections 7922.525 and 7922.530.

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.

1 § 7926.220. Specified records of state agency relating to selective provider contracts, county
2 health systems, or Geographic Managed Care Pilot Project

3 7926.220. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
4 this division does not require disclosure of records of a state agency related to
5 activities governed by Article 2.6 (commencing with Section 14081), Article 2.8
6 (commencing with Section 14087.5), or Article 2.91 (commencing with Section
7 14089) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code,
8 that reveal the special negotiator’s deliberative processes, discussions,
9 communications, or any other portion of the negotiations with providers of health
10 care services, impressions, opinions, recommendations, meeting minutes, research,
11 work product, theories, or strategy, or that provide instruction, advice, or training to
12 employees.

13 (b)(1) Except for the portion containing the rates of payment, a contract for
14 inpatient services entered into pursuant to one of these articles, on or after April 1,
15 1984, shall be open to inspection one year after it is fully executed.

16 (2) If a contract for inpatient services was entered into before April 1, 1984, and
17 amended on or after April 1, 1984, the amendment, except for any portion
18 containing the rates of payment, shall be open to inspection one year after it is fully
19 executed.

20 (3) If the California Medical Assistance Commission enters into a contract with a
21 health care provider for other than inpatient hospital services, the contract shall be
22 open to inspection one year after it is fully executed.

23 (c) Three years after a contract or amendment is open to inspection under this
24 section, the portion of the contract or amendment containing the rates of payment
25 shall be open to inspection.

26 (d)(1) Notwithstanding any other law, the entire contract or amendment shall be
27 open to inspection by the California State Auditor’s Office, the Joint Legislative
28 Audit Committee, and the Legislative Analyst’s Office.

29 (2) The California State Auditor’s Office, the Joint Legislative Audit Committee,
30 and the Legislative Analyst’s Office shall maintain the confidentiality of each
31 contract or amendment until the contract or amendment is fully open to inspection
32 by the public.

33 **Comment.** Subdivision (a) of Section 7926.220 continues former Section 6254(q)(1) without
34 substantive change.

35 Subdivision (b) continues former Section 6254(q)(2) without substantive change.

36 Subdivision (c) continues former Section 6254(q)(3) without substantive change.

37 Subdivision (d) continues former Section 6254(q)(4) without substantive change. Subdivision
38 (d) also continues former Section 6254.14(b) to the extent it applied to former Section 6254(q).

39 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
40 health care, see the rest of this chapter (Sections 7926.000-7926.500); see also Section 7927.700
41 (exemption for medical files “disclosure of which would constitute an unwarranted invasion of
42 personal privacy”). For CPRA provisions that relate to workers’ compensation, see Sections
43 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
9 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
10 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
11 see Sections 7922.525 and 7922.530.

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 7920.540 ("state agency").

16 **§ 7926.225. Specified records of Managed Risk Medical Insurance Board and State**
17 **Department of Health Care Services**

18 7926.225. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
19 this division does not require disclosure of records of the Managed Risk Medical
20 Insurance Board and the State Department of Health Care Services that relate to
21 activities governed by former Part 6.3 (commencing with Section 12695), former
22 Part 6.5 (commencing with Section 12700), Part 6.6 (commencing with Section
23 12739.5), or Part 6.7 (commencing with Section 12739.70) of Division 2 of the
24 Insurance Code, or Chapter 2 (commencing with Section 15810) or Chapter 4
25 (commencing with Section 15870) of Part 3.3 of Division 9 of the Welfare and
26 Institutions Code, and that reveal any of the following:

27 (1) The deliberative processes, discussions, communications, or any other portion
28 of the negotiations with entities contracting or seeking to contract with the board or
29 the department, entities with which the board or the department is considering a
30 contract, or entities with which the board or department is considering or enters into
31 any other arrangement under which the board or the department provides, receives,
32 or arranges services or reimbursement.

33 (2) The impressions, opinions, recommendations, meeting minutes, research,
34 work product, theories, or strategy of the board or its staff or the department or its
35 staff, or records that provide instructions, advice, or training to their employees.

36 (b)(1) Except for the portion that contains the rates of payment, a contract entered
37 into pursuant to former Part 6.3 (commencing with Section 12695), former Part 6.5
38 (commencing with Section 12700), Part 6.6 (commencing with Section 12739.5),
39 or Part 6.7 (commencing with Section 12739.70) of Division 2 of the Insurance
40 Code, or Chapter 2 (commencing with Section 15810) or Chapter 4 (commencing
41 with Section 15870) of Part 3.3 of Division 9 of the Welfare and Institutions Code,
42 on or after July 1, 1991, shall be open to inspection one year after its effective date.

43 (2) If a contract was entered into before July 1, 1991, and amended on or after
44 July 1, 1991, the amendment, except for any portion containing the rates of payment,
45 shall be open to inspection one year after the effective date of the amendment.

1 (c) Three years after a contract or amendment is open to inspection pursuant to
2 this section, the portion of the contract or amendment containing the rates of
3 payment shall be open to inspection.

4 (d)(1) Notwithstanding any other law, the entire contract or amendment to a
5 contract shall be open to inspection by the California State Auditor’s Office, the
6 Joint Legislative 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 open to inspection
10 pursuant to subdivision (c).

11 **Comment.** Subdivisions (a) and (b) of Section 7926.225 continue former Section 6254(v)(1)-
12 (2) without substantive change.

13 Subdivision (c) continues former Section 6254(v)(3) without substantive change.

14 Subdivision (d) continues former Section 6254(v)(4) without substantive change. Subdivision
15 (d) also continues former Section 6254.14(b) to the extent it applied to former Section 6254(v).

16 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
17 health care, see the rest of this chapter (Sections 7926.000-7926.500); see also Section 7927.700
18 (exemption for medical files “disclosure of which would constitute an unwarranted invasion of
19 personal privacy”). For CPRA provisions that relate to workers’ compensation, see Sections
20 7929.400-7929.430.

21 For other special rules applicable to specific types of public records, see Sections 7923.600-
22 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
23 exemption), 7930.000-7930.215 (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
29 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
30 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
31 see Sections 7922.525 and 7922.530.

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 **§ 7926.230. Additional records of Managed Risk Medical Insurance Board and State**

36 **Department of Health Care Services**

37 7926.230. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
38 this division does not require disclosure of records of the Managed Risk Medical
39 Insurance Board and the State Department of Health Care Services related to
40 activities governed by Part 6.2 (commencing with Section 12693) or former Part 6.4
41 (commencing with Section 12699.50) of Division 2 of the Insurance Code or
42 Sections 14005.26 and 14005.27 of, or Chapter 3 (commencing with Section 15850)
43 of Part 3.3 of Division 9 of, the Welfare and Institutions Code, if the records reveal
44 any of the following:

45 (1) The deliberative processes, discussions, communications, or any other portion
46 of the negotiations with entities contracting or seeking to contract with the board or

1 the department, entities with which the board or department is considering a
2 contract, or entities with which the board or department is considering or enters into
3 any other arrangement under which the board or department provides, receives, or
4 arranges services or reimbursement.

5 (2) The impressions, opinions, recommendations, meeting minutes, research,
6 work product, theories, or strategy of the board or its staff, or the department or its
7 staff, or records that provide instructions, advice, or training to employees.

8 (b)(1) Except for the portion that contains the rates of payment, a contract entered
9 into pursuant to Part 6.2 (commencing with Section 12693) or former Part 6.4
10 (commencing with Section 12699.50) of Division 2 of the Insurance Code, on or
11 after January 1, 1998, or Sections 14005.26 and 14005.27 of, or Chapter 3
12 (commencing with Section 15850) of Part 3.3 of Division 9 of, the Welfare and
13 Institutions Code shall be open to inspection one year after its effective date.

14 (2) If a contract entered into pursuant to Part 6.2 (commencing with Section
15 12693) or former Part 6.4 (commencing with Section 12699.50) of Division 2 of the
16 Insurance Code or Sections 14005.26 and 14005.27 of, or Chapter 3 (commencing
17 with Section 15850) of Part 3.3 of Division 9 of, the Welfare and Institutions Code,
18 is amended, the amendment shall be open to inspection one year after the effective
19 date of the amendment.

20 (c) Three years after a contract or amendment is open to inspection pursuant to
21 this section, the portion of the contract or amendment containing the rates of
22 payment shall be open to inspection.

23 (d)(1) Notwithstanding any other law, the entire contract or amendments to a
24 contract shall be open to inspection by the California State Auditor's Office, the
25 Joint Legislative Audit Committee, and the Legislative Analyst's Office.

26 (2) The California State Auditor's Office, the Joint Legislative Audit Committee,
27 and the Legislative Analyst's Office shall maintain the confidentiality of each
28 contract or amendment until the contract or amendment is open to inspection
29 pursuant to subdivision (b) or (c).

30 (e) The exemption from disclosure provided pursuant to this section for the
31 contracts, deliberative processes, discussions, communications, negotiations,
32 impressions, opinions, recommendations, meeting minutes, research, work product,
33 theories, or strategy of the board or its staff, or the department or its staff, shall also
34 apply to the contracts, deliberative processes, discussions, communications,
35 negotiations, impressions, opinions, recommendations, meeting minutes, research,
36 work product, theories, or strategy of applicants pursuant to former Part 6.4
37 (commencing with Section 12699.50) of Division 2 of the Insurance Code or
38 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division 9 of the Welfare
39 and Institutions Code.

40 **Comment.** Subdivision (a) of Section 7926.230 continues former Section 6254(y)(1) without
41 substantive change.

42 Subdivision (b) continues former Section 6254(y)(2) without substantive change.

43 Subdivision (c) continues former Section 6254(y)(3) without substantive change.

1 Subdivision (d) continues former Section 6254(y)(4) without substantive change. Subdivision
2 (d) also continues former Section 6254.14(b) to the extent it applied to former Section 6254(y).

3 Subdivision (e) continues former Section 6254(y)(5) without substantive change. The cross-
4 reference to “Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code”
5 has been updated to reflect the repeal of Part 6.4. See 2014 Cal. Stat. ch. 31, § 37 (former Ins. Code
6 § 12699.64), a sunset provision that operated on Jan. 1, 2016.

7 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
8 health care, see the rest of this chapter (Sections 7926.000-7926.500); see also Section 7927.700
9 (exemption for medical files “disclosure of which would constitute an unwarranted invasion of
10 personal privacy”). For CPRA provisions that relate to workers’ compensation, see Sections
11 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
20 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
21 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
22 see Sections 7922.525 and 7922.530.

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 **Note.** A budget trailer bill pending before the Governor would correct the cross-reference to “Part
27 6.4” (as opposed to “former Part 6.4”) in Section 6254(y). See SB 94 (Committee on Budget &
28 Fiscal Review). If the Governor signs that bill, the Commission will make a corresponding change
29 in the Comment to proposed Section 7926.230 and in “Appendix A. Corrected Cross-References.”

30 For discussion of the repeal of Part 6.4 (commencing with Section 12699.50) of Division 2 of
31 the Insurance Code, see generally CLRC Memorandum 2017-50, pp. 4-7; CLRC Minutes (Dec.
32 2017), p. 7.

33
34 **§ 7926.235. Records of Managed Risk Medical Insurance Board relating to Small Employer**
35 **Health Insurance**

36 7926.235. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
37 this division does not require disclosure of records of the Managed Risk Medical
38 Insurance Board that relate to activities governed by Chapter 8 (commencing with
39 Section 10700) of Part 2 of Division 2 of the Insurance Code, and that reveal the
40 deliberative processes, discussions, communications, or any other portion of the
41 negotiations with health plans, or the impressions, opinions, recommendations,
42 meeting minutes, research, work product, theories, or strategy of the board or its
43 staff, or records that provide instructions, advice, or training to employees.

44 (b) Except for the portion that contains the rates of payment, a contract for health
45 coverage entered into pursuant to Chapter 8 (commencing with Section 10700) of
46 Part 2 of Division 2 of the Insurance Code, on or after January 1, 1993, shall be open
47 to inspection one year after it has been fully executed.

1 (c)(1) Notwithstanding any other law, the entire contract or amendment to a
2 contract shall be open to inspection by the Joint Legislative Audit Committee.

3 (2) The committee shall maintain the confidentiality of each contract or
4 amendment until the contract or amendment is open to inspection pursuant to
5 subdivision (b).

6 **Comment.** Subdivision (a) of Section 7926.235 continues former Section 6254(w)(1) without
7 substantive change.

8 Subdivision (b) continues former Section 6254(w)(2) without substantive change.

9 Subdivision (c) continues former Section 6254(w)(3) without substantive change.

10 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
11 health care, see the rest of this chapter (Sections 7926.000-7926.500); see also Section 7927.700
12 (exemption for medical files “disclosure of which would constitute an unwarranted invasion of
13 personal privacy”). For CPRA provisions that relate to workers’ compensation, see Sections
14 7929.400-7929.430.

15 For other special rules applicable to specific types of public records, see Sections 7923.600-
16 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
17 exemption), 7930.000-7930.215 (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
23 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
24 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
25 see Sections 7922.525 and 7922.530.

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 Article 4. In-Home Supportive Services and Personal Care Services

30 § 7926.300. Information regarding persons paid by state to provide in-home supportive 31 services or personal care services

32 7926.300. (a) Notwithstanding any other provision of this division, information
33 regarding persons paid by the state to provide in-home supportive services pursuant
34 to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9
35 of the Welfare and Institutions Code or personal care services pursuant to Section
36 14132.95, 14132.952, 14132.956, or 14132.97 of the Welfare and Institutions Code,
37 is not subject to public disclosure pursuant to this division, except as provided in
38 subdivision (b).

39 (b) Copies of names, addresses, home telephone numbers, personal cellular
40 telephone numbers, and personal email addresses of persons described in
41 subdivision (a) shall be made available, upon request, to an exclusive bargaining
42 agent and to any labor organization seeking representation rights pursuant to
43 subdivision (c) of Section 12301.6, or Section 12302.5, of the Welfare and
44 Institutions Code or Chapter 10 (commencing with Section 3500) of Division 4 of
45 Title 1. This information shall not be used by the receiving entity for any purpose

1 other than the employee organizing, representation, and assistance activities of the
2 labor organization.

3 (c) This section applies solely to individuals who provide services under the In-
4 Home Supportive Services Program (Article 7 (commencing with Section 12300)
5 of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code), the
6 Personal Care Services Program pursuant to Section 14132.95 of the Welfare and
7 Institutions Code, the In-Home Supportive Services Plus Option Program pursuant
8 to Section 14132.952 of the Welfare and Institutions Code, the Community First
9 Choice Option Program pursuant to Section 14132.956 of the Welfare and
10 Institutions Code, or the Waiver Personal Care Services Program pursuant to
11 Section 14132.97 of the Welfare and Institutions Code.

12 (d) This section does not alter the rights of parties under the Meyers-Milias-Brown
13 Act (Chapter 10 (commencing with Section 3500) of Division 4) or any other labor
14 relations law.

15 **Comment.** Section 7926.300 continues former Section 6253.2 without substantive change. An
16 erroneous cross-reference to Section 12302.25 (instead of Section 12302.5) of the Welfare and
17 Institutions Code has been corrected.

18 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
19 health care, see the rest of this chapter (Sections 7926.000-7926.500); see also Section 7927.700
20 (exemption for medical files “disclosure of which would constitute an unwarranted invasion of
21 personal privacy”). For CPRA provisions that relate to workers’ compensation, see Sections
22 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
31 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
32 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
33 see Sections 7922.525 and 7922.530.

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 7920.520 (“person”).

38 Article 5. Reproductive Health Services Facility

39 § 7926.400. Definitions

40 7926.400. For purposes of this article, the following terms have the following
41 meanings:

42 (a) “Contractor” means an individual or entity that contracts with a reproductive
43 health services facility for services related to patient care.

44 (b) “Personal information” means any of the following information related to an
45 individual that is maintained by a public agency:

- 1 (1) Social security number.
- 2 (2) Physical description.
- 3 (3) Home address.
- 4 (4) Home telephone number.
- 5 (5) Statements of personal worth or personal financial data filed pursuant to
- 6 Section 7925.005.
- 7 (6) Personal medical history.
- 8 (7) Employment history.
- 9 (8) Electronic mail address.
- 10 (9) Information that reveals any electronic network location or identity.
- 11 (c) “Public agency” means all of the following:
- 12 (1) The Department of Consumer Affairs.
- 13 (2) The Department of Managed Health Care.
- 14 (3) The State Department of Health Care Services.
- 15 (4) The State Department of Public Health.
- 16 (d) “Reproductive health services facility” means the office of a licensed
- 17 physician and surgeon whose specialty is family practice, obstetrics, or gynecology,
- 18 or a licensed clinic, where at least 50 percent of the patients of the physician or the
- 19 clinic are provided with family planning or abortion services.

20 **Comment.** Subdivision (a) of Section 7926.400 continues former Section 6254.18(b)(1) without

21 substantive change.

22 Subdivision (b) continues former Section 6254.18(b)(2) without substantive change.

23 Subdivision (c) continues former Section 6254.18(b)(3) without substantive change. For another

24 definition of “public agency,” see Section 7920.525(a).

25 Subdivision (d) continues former Section 6254.18(b)(4) without substantive change.

26 For provisions of the California Public Records Act (“CPRA”) that relate specifically to a

27 reproductive health services facility, see the rest of this article (Sections 7926.405-7926.430). See

28 also Sections 6215-6216 (address confidentiality for reproductive health care service providers,

29 employers, volunteers, and patients), 6218-6218.05 (online privacy for reproductive health services

30 providers, employees, volunteers, and patients).

31 For additional CPRA provisions that relate specifically to health care, see the rest of this chapter

32 (Sections 7926.000-7926.300, 7926.500); see also Section 7927.700 (exemption for medical files

33 “disclosure of which would constitute an unwarranted invasion of personal privacy”). For CPRA

34 provisions that relate to workers’ compensation, see Sections 7929.400-7929.430.

35 For other special rules applicable to specific types of public records, see Sections 7923.600-

36 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all

37 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

43 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over

44 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,

45 see Sections 7922.525 and 7922.530.

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 **§ 7926.405. Personal information regarding employees or specified other persons associated**
2 **with reproductive health services facility**

3 7926.405. Nothing in this division requires disclosure of any personal information
4 received, collected, or compiled by a public agency regarding the employees,
5 volunteers, board members, owners, partners, officers, or contractors of a
6 reproductive health services facility who have notified the public agency pursuant
7 to Section 7926.415 if the personal information is contained in a document that
8 relates to the facility.

9 **Comment.** Section 7926.405 continues former Section 6254.18(a) without substantive change.

10 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to a
11 reproductive health services facility, see the rest of this article (Sections 7926.400-7926.430). See
12 also Sections 6215-6216 (address confidentiality for reproductive health care service providers,
13 employers, volunteers, and patients), 6218-6218.05 (online privacy for reproductive health services
14 providers, employees, volunteers, and patients).

15 For additional CPRA provisions that relate specifically to health care, see the rest of this chapter
16 (Sections 7926.000-7926.300, 7926.500); see also Section 7927.700 (exemption for medical files
17 “disclosure of which would constitute an unwarranted invasion of personal privacy”). For CPRA
18 provisions that relate to workers’ compensation, see Sections 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
27 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
28 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
29 see Sections 7922.525 and 7922.530.

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 7926.400 (defining “contractor,” “personal information,” “public agency,” and
34 “reproductive health services facility”).

35 **§ 7926.410. Proceeding for access to employment history information**

36 7926.410. (a) Any person may institute proceedings for injunctive or declarative
37 relief or writ of mandate in any court of competent jurisdiction to obtain access to
38 employment history information pursuant to Part 4 (commencing with Section
39 7923.000).

40 (b) If the court finds, based on the facts of a particular case, that the public interest
41 served by disclosure of employment history information clearly outweighs the
42 public interest served by not disclosing the information, the court shall order the
43 officer or person charged with withholding the information to disclose employment
44 history information or show cause why that officer or person should not do so
45 pursuant to Chapter 2 (commencing with Section 7923.100) of Part 4.

46 **Comment.** Section 7926.410 continues former Section 6254.18(c) without substantive change.

1 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to a
2 reproductive health services facility, see the rest of this article (Sections 7926.400-7926.430). See
3 also Sections 6215-6216 (address confidentiality for reproductive health care service providers,
4 employers, volunteers, and patients), 6218-6218.05 (online privacy for reproductive health services
5 providers, employees, volunteers, and patients).

6 For additional CPRA provisions that relate specifically to health care, see the rest of this chapter
7 (Sections 7926.000-7926.300, 7926.500); see also Section 7927.700 (exemption for medical files
8 “disclosure of which would constitute an unwarranted invasion of personal privacy”). For CPRA
9 provisions that relate to workers’ compensation, see Sections 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
18 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
19 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
20 see Sections 7922.525 and 7922.530.

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 **§ 7926.415. Notification requirement for individual**

26 7926.415. (a) In order for this article to apply to an individual who is an employee,
27 volunteer, board member, officer, or contractor of a reproductive health services
28 facility, the individual shall notify the public agency to which the individual’s
29 personal information is being submitted or has been submitted that the individual
30 falls within the application of this article.

31 (b) Notification pursuant to subdivision (a) is valid if it complies with all of the
32 following:

33 (1) It is on the official letterhead of the facility.

34 (2) It is clearly separate from any other language present on the same page and is
35 executed by a signature that serves no other purpose than to execute the notification.

36 (3) It is signed and dated by both of the following:

37 (A) The individual whose information is being submitted.

38 (B) The executive officer of the reproductive health services facility or designee
39 of the executive officer.

40 (c) A reproductive health services facility shall retain a copy of all notifications
41 submitted pursuant to this article.

42 **Comment.** Subdivision (a) of Section 7926.415 continues the first sentence of former Section
43 6254.18(d) without substantive change.

44 Subdivision (b) continues the third sentence of former Section 6254.18(d) without substantive
45 change.

46 Subdivision (c) continues the second sentence of former Section 6254.18(d) without substantive
47 change.

1 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to a
2 reproductive health services facility, see the rest of this article (Sections 7926.400-7926.430). See
3 also Sections 6215-6216 (address confidentiality for reproductive health care service providers,
4 employers, volunteers, and patients), 6218-6218.05 (online privacy for reproductive health services
5 providers, employees, volunteers, and patients).

6 For additional CPRA provisions that relate specifically to health care, see the rest of this chapter
7 (Sections 7926.000-7926.300, 7926.500); see also Section 7927.700 (exemption for medical files
8 “disclosure of which would constitute an unwarranted invasion of personal privacy”). For CPRA
9 provisions that relate to workers’ compensation, see Sections 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
18 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
19 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
20 see Sections 7922.525 and 7922.530.

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 7926.400 (defining “contractor,” “personal information,” “public agency,” and
25 “reproductive health services facility”).

26 § 7926.420. Duration of privacy protections

27 7926.420. The privacy protections for personal information authorized pursuant
28 to this article are effective from the time of notification pursuant to Section
29 7926.415 until either one of the following occurs:

30 (a) Six months after the date of separation from a reproductive health services
31 facility for an individual who has served for not more than one year as an employee,
32 contractor, volunteer, board member, or officer of the reproductive health services
33 facility.

34 (b) One year after the date of separation from a reproductive health services
35 facility for an individual who has served for more than one year as an employee,
36 contractor, volunteer, board member, or officer of the reproductive health services
37 facility.

38 **Comment.** Section 7926.420 continues former Section 6254.18(e) without substantive change.

39 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to a
40 reproductive health services facility, see the rest of this article (Sections 7926.400-7926.430). See
41 also Sections 6215-6216 (address confidentiality for reproductive health care service providers,
42 employers, volunteers, and patients), 6218-6218.05 (online privacy for reproductive health services
43 providers, employees, volunteers, and patients).

44 For additional CPRA provisions that relate specifically to health care, see the rest of this chapter
45 (Sections 7926.000-7926.300, 7926.500); see also Section 7927.700 (exemption for medical files
46 “disclosure of which would constitute an unwarranted invasion of personal privacy”). For CPRA
47 provisions that relate to workers’ compensation, see Sections 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
9 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
10 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
11 see Sections 7922.525 and 7922.530.

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 7926.400 (defining “contractor,” “personal information,” and “reproductive health
16 services facility”).

17 § 7926.425. Notice of separation

18 7926.425. Within 90 days of separation of an employee, contractor, volunteer,
19 board member, or officer of the reproductive health services facility who has
20 provided notice to a public agency pursuant to Section 7926.415, the facility shall
21 provide notice of the separation to the relevant agency or agencies.

22 **Comment.** Section 7926.425 continues former Section 6254.18(f) without substantive change.
23 An erroneous cross-reference to former Section 6254.18(c) (instead of former Section 6254.18(d))
24 has been corrected.

25 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to a
26 reproductive health services facility, see the rest of this article (Sections 7926.400-7926.430). See
27 also Sections 6215-6216 (address confidentiality for reproductive health care service providers,
28 employers, volunteers, and patients), 6218-6218.05 (online privacy for reproductive health services
29 providers, employees, volunteers, and patients).

30 For 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
42 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
43 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
44 see Sections 7922.525 and 7922.530.

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 Section 7926.400 (defining “contractor,” “public agency,” and “reproductive health services
49 facility”).

1 **§ 7926.430. Disclosure of data regarding age, race, ethnicity, national origin, or gender,**
2 **without individually identifiable information**

3 7926.430. Nothing in this article prevents a government agency from disclosing
4 data regarding the age, race, ethnicity, national origin, or gender of individuals
5 whose personal information is protected pursuant to this article, so long as the data
6 contains no individually identifiable information.

7 **Comment.** Section 7926.430 continues former Section 6254.18(g) without substantive change.

8 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to a
9 reproductive health services facility, see the rest of this article (Sections 7926.400-7926.430). See
10 also Sections 6215-6216 (address confidentiality for reproductive health care service providers,
11 employers, volunteers, and patients), 6218-6218.05 (online privacy for reproductive health services
12 providers, employees, volunteers, and patients).

13 For 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
25 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
26 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
27 see Sections 7922.525 and 7922.530.

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

31 See Section 7926.400 (defining “personal information”).

32 **Article 6. Web Sites and Related Matters**

33 **§ 7926.500. Implementation of CPRA by health care district**

34 7926.500. In implementing this division, each health care district shall maintain
35 an Internet Web site in accordance with subdivision (b) of Section 32139 of the
36 Health and Safety Code.

37 **Comment.** Section 7926.500 continues former Section 6270.7 without substantive change.

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

42 For other CPRA provisions that relate specifically to health care, see the rest of this chapter
43 (Sections 7926.000-7926.500); see also Section 7927.700 (exemption for medical files “disclosure
44 of which would constitute an unwarranted invasion of personal privacy”). For CPRA provisions
45 that relate to workers’ compensation, see Sections 7929.400-7929.430.

46 For other special rules applicable to specific types of public records, see Sections 7923.600-
47 7925.010, 7927.000-7929.215, 7929.600-7929.610; see also Sections 7922.000 (CPRA catch-all
48 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
6 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
7 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
8 see Sections 7922.525 and 7922.530.

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 CHAPTER 6. HISTORICALLY OR CULTURALLY SIGNIFICANT MATTERS

13 § 7927.000. Native American sacred places, features, and objects

14 7927.000. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
15 division does not require disclosure of any of the following:

16 (a) Records of Native American graves, cemeteries, and sacred places.

17 (b) Records of Native American places, features, and objects described in Sections
18 5097.9 and 5097.993 of the Public Resources Code, which are maintained by, or in
19 the possession of, the Native American Heritage Commission, another state agency,
20 or a local agency.

21 **Comment.** Section 7927.000 continues former Section 6254(r) without substantive change.

22 For a provision of the California Public Records Act ("CPRA") on archaeological site
23 information and reports, see Section 7927.005. For other special rules applicable to specific types
24 of public records, see Sections 7923.600-7926.500, 7927.100-7929.610; 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
32 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
33 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
34 see Sections 7922.525 and 7922.530.

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 7920.510 ("local agency"), 7920.540 ("state agency").

39 § 7927.005. Archaeological site information and reports

40 7927.005. Nothing in this division requires disclosure of records that relate to
41 archaeological site information and reports maintained by, or in the possession of,
42 the Department of Parks and Recreation, the State Historical Resources
43 Commission, the State Lands Commission, the Native American Heritage
44 Commission, another state agency, or a local agency, including the records that the

1 agency obtains through a consultation process between a California Native
2 American tribe and a state or local agency.

3 **Comment.** Section 7927.005 continues former Section 6254.10 without substantive change.

4 For a provision of the California Public Records Act (“CPRA”) on Native American sacred
5 places, features, and objects, see Section 7927.000. For other special rules applicable to specific
6 types of public records, see Sections 7923.600-7926.500, 7927.100-7929.610; see also Sections
7 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
8 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
14 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
15 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
16 see Sections 7922.525 and 7922.530.

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 7920.510 (“local agency”), 7920.540 (“state agency”).

21 CHAPTER 7. LIBRARY RECORDS

22 § 7927.100. Library circulation records and library and museum materials

23 7927.100. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
24 this division does not require disclosure of any of the following:

25 (1) Library circulation records kept for the purpose of identifying the borrower of
26 items available in libraries.

27 (2) Library and museum materials made or acquired and presented solely for
28 reference or exhibition purposes.

29 (b) The exemption in this section does not apply to records of fines imposed on
30 the borrowers.

31 **Comment.** Section 7927.100 continues former Section 6254(j) without substantive change.

32 For a provision of the California Public Records Act (“CPRA”) on patron use records of a library
33 supported by public funds, see Section 7927.105. For other special rules applicable to specific types
34 of public records, see Sections 7923.600-7927.055, 7927.200-7929.610; see also Sections
35 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
36 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
42 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
43 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
44 see Sections 7922.525 and 7922.530.

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.

1 **§ 7927.105. Patron use records of library supported by public funds**

2 7927.105. (a) As used in this section, the term “patron use records” includes the
3 following:

4 (1) Any written or electronic record that is used to identify a library patron and is
5 provided by the patron to become eligible to borrow or use books and other
6 materials. This includes, but is not limited to, a patron’s name, address, telephone
7 number, or e-mail address.

8 (2) Any written record or electronic transaction that identifies a patron’s
9 borrowing information or use of library information resources. This includes, but is
10 not limited to, database search records, borrowing records, class records, and any
11 other personally identifiable uses of library resources information requests, or
12 inquiries.

13 (b) This section does not apply to either of the following:

14 (1) Statistical reports of patron use.

15 (2) Records of fines collected by a library.

16 (c) All patron use records of a library that is in whole or in part supported by
17 public funds shall remain confidential. A public agency, or a private actor that
18 maintains or stores patron use records on behalf of a public agency, shall not
19 disclose those records to any person, local agency, or state agency, except as
20 follows:

21 (1) By a person acting within the scope of the person’s duties within the
22 administration of the library.

23 (2) By a person authorized in writing to inspect the records. The authorization
24 shall be from the individual to whom the records pertain.

25 (3) By order of the appropriate superior court.

26 **Comment.** Section 7927.105 continues former Section 6267 without substantive change.

27 For a provision of the California Public Records Act (“CPRA”) on library circulation records
28 and library and museum materials, see Section 7927.100. For other special rules applicable to
29 specific types of public records, see Sections 7923.600-7927.055, 7927.200-7929.610; see also
30 Sections 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many
31 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
37 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
38 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
39 see Sections 7922.525 and 7922.530.

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”), 7920.520 (“person”), 7920.525 (“public agency”),
44 7920.540 (“state agency”), 7920.550 (“writing”).

CHAPTER 8. LITIGATION RECORDS

§ 7927.200. Records relating to pending litigation or pending claim

7927.200. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this division does not require disclosure of any of the following records:

(a) Records pertaining to pending litigation to which the public agency is a party, until the pending litigation has been finally adjudicated or otherwise settled.

(b) Records pertaining to a claim made pursuant to Division 3.6 (commencing with Section 810), until the pending claim has been finally adjudicated or otherwise settled.

Comment. Section 7927.200 continues former Section 6254(b) without substantive change.

For another provision of the California Public Records Act (“CPRA”) that relates specifically to litigation records, see Section 7927.205. For a CPRA provision on preliminary drafts and similar materials, see Section 7927.500. For guidance on private records, privileged materials, and other records protected by law from disclosure, see Sections 7927.700-7927.705.

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 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record, see Sections 7922.525 and 7922.530.

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 7920.525 (“public agency”).

§ 7927.205. Memorandum of legal counsel relating to pending litigation

7927.205. Nothing in this division or any other provision of law requires disclosure of a memorandum submitted to a state body or to the legislative body of a local agency by its legal counsel pursuant to subdivision (e) of Section 11126 or Section 54956.9 until the pending litigation has been finally adjudicated or otherwise settled. The memorandum is protected by the attorney work-product privilege until the pending litigation has been finally adjudicated or otherwise settled.

Comment. Section 7927.205 continues former Section 6254.25 without substantive change. The cross-reference to Section 11126 has been updated to reflect relocation of the relevant material from subdivision (q) to subdivision (e) of that section.

For another provision of the California Public Records Act (“CPRA”) that relates specifically to litigation records, see Section 7927.200. For a CPRA provision on preliminary drafts and similar materials, see Section 7927.500. For guidance on private records, privileged materials, and other 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
9 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
10 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
11 see Sections 7922.525 and 7922.530.

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 7920.510 ("local agency").

16 **Note.** Existing Section 6254.25 cross-refers to "subdivision (q) of Section 11126." However,
17 Section 11126 no longer has a subdivision (q); the material in question was relocated to subdivision
18 (e) in 1996 (see 1996 Cal. Stat. ch. 1041, § 5). Proposed Section 7927.205 (continuing the substance
19 of Section 6254.25) would correct this erroneous cross-reference, as mentioned in the
20 accompanying Comment.

21 In addition, the cross-referenced provision (Section 11126) appears to contain an inadvertent
22 drafting error. Some paragraph relabeling and related revisions seem necessary. To fix the problem,
23 the Commission plans to include a technical amendment of Section 11126 with the conforming
24 revisions and repeals for its proposed recodification. For further discussion of this point, see CLRC
25 Staff Memorandum 2017-50, pp. 11-16.

26 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
27 **especially appreciate public comment on these matters.**

28 CHAPTER 9. MISCELLANEOUS PUBLIC RECORDS

29 § 7927.300. Confidential information relating to utility systems development, or market or 30 crop reports

31 7927.300. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
32 division does not require disclosure of geological and geophysical data, plant
33 production data, and similar information relating to utility systems development, or
34 market or crop reports, that are obtained in confidence from any person.

35 **Comment.** Section 7927.300 continues former Section 6254(e) without substantive change.

36 For other special rules in the California Public Records Act ("CPRA") that apply to specific
37 types of public records, see Sections 7923.600-7927.205, 7927.400-7929.610; see also Sections
38 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
39 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
45 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
46 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
47 see Sections 7922.525 and 7922.530.

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 CHAPTER 10. PERSONAL INFORMATION AND CUSTOMER RECORDS

6 § 7927.400. Personal information electronically collected by state agency

7 7927.400. Nothing in this division requires the disclosure of records that relate to
8 electronically collected personal information, as defined by Section 11015.5, that is
9 received, collected, or compiled by a state agency.

10 **Comment.** Section 7927.400 continues former Section 6254.20 without substantive change.

11 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
12 personal information or customer records, see the rest of this chapter (Sections 7927.405-
13 7927.420); see also Sections 7923.620 (disclosure of arrestee’s address or victim’s address for
14 specified purposes), 7926.405 (personal information regarding employees or specified other
15 persons associated with reproductive health services facility), 7928.200-7928.230 (online posting
16 or sale of personal information of elected or appointed official), 7928.300 (personal information of
17 agency employee). For CPRA provisions that relate specifically to financial records or tax records,
18 see Sections 7925.000-7925.010. For guidance on private records, privileged materials, and other
19 records protected by law from disclosure, see Sections 7927.700-7927.705. For provisions
20 governing redaction or truncation of social security numbers, see Sections 7922.200-7922.210.

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
29 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
30 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
31 see Sections 7922.525 and 7922.530.

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 § 7927.405. Residence or mailing address in records of Department of Motor Vehicles

36 7927.405. Nothing in this division requires the disclosure of the residence or
37 mailing address of any person in any record of the Department of Motor Vehicles
38 except in accordance with Section 1808.21 of the Vehicle Code.

39 **Comment.** Section 7927.405 continues former Section 6254.1(b) without substantive change.

40 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
41 personal information or customer records, see the rest of this chapter (Sections 7927.400-
42 7927.420); see also Sections 7923.620 (disclosure of arrestee’s address or victim’s address for
43 specified purposes), 7926.405 (personal information regarding employees or specified other
44 persons associated with reproductive health services facility), 7928.200-7928.230 (online posting
45 or sale of personal information of elected or appointed official), 7928.300 (personal information of
46 agency employee). For CPRA provisions that relate specifically to financial records or tax records,
47 see Sections 7925.000-7925.010. For guidance on private records, privileged materials, and other

1 records protected by law from disclosure, see Sections 7927.700-7927.705. For provisions
2 governing redaction or truncation of social security numbers, see Sections 7922.200-7922.210.

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
11 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
12 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
13 see Sections 7922.525 and 7922.530.

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 7920.520 ("person").

18 § 7927.410. Personal information of local agency utility customers

19 7927.410. Nothing in this division requires the disclosure of the name, credit
20 history, utility usage data, home address, or telephone number of a utility customer
21 of a local agency, except that disclosure of the name, utility usage data, and the
22 home address of a utility customer of a local agency shall be made available upon
23 request as follows:

24 (a) To an agent or authorized family member of the person to whom the
25 information pertains.

26 (b) To an officer or employee of another governmental agency when necessary
27 for the performance of its official duties.

28 (c) Upon court order or the request of a law enforcement agency relative to an
29 ongoing investigation.

30 (d) Upon determination by the local agency that the utility customer who is the
31 subject of the request has used utility services in a manner inconsistent with
32 applicable local utility usage policies.

33 (e) Upon determination by the local agency that the utility customer who is the
34 subject of the request is an elected or appointed official with authority to determine
35 the utility usage policies of the local agency, provided that the home address of an
36 appointed official shall not be disclosed without the official's consent.

37 (f) Upon determination by the local agency that the public interest in disclosure
38 of the information clearly outweighs the public interest in nondisclosure.

39 **Comment.** Section 7927.410 continues former Section 6254.16 without substantive change.

40 For other provisions of the California Public Records Act ("CPRA") that relate specifically to
41 personal information or customer records, see the rest of this chapter (Sections 7927.400-
42 7927.420); see also Sections 7923.620 (disclosure of arrestee's address or victim's address for
43 specified purposes), 7926.405 (personal information regarding employees or specified other
44 persons associated with reproductive health services facility), 7928.200-7928.230 (online posting
45 or sale of personal information of elected or appointed official), 7928.300 (personal information of
46 agency employee). For CPRA provisions that relate specifically to financial records or tax records,
47 see Sections 7925.000-7925.010. For guidance on private records, privileged materials, and other

1 records protected by law from disclosure, see Sections 7927.700-7927.705. For provisions
2 governing redaction or truncation of social security numbers, see Sections 7922.200-7922.210.

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
11 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
12 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
13 see Sections 7922.525 and 7922.530.

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 7920.505 ("local agency"), 7920.520 ("person").

18 § 7927.415. Residence address in records of Department of Housing and Community

19 Development

20 7927.415. Except as provided in Sections 7924.510 and 7924.700, nothing in this
21 division requires disclosure of records that are the residence address of any person
22 contained in the records of the Department of Housing and Community
23 Development, if the person has requested confidentiality of that information, in
24 accordance with Section 18081 of the Health and Safety Code.

25 **Comment.** Section 7927.415 continues former Section 6254.1(a) without substantive change.

26 For other provisions of the California Public Records Act ("CPRA") that relate specifically to
27 personal information or customer records, see the rest of this chapter (Sections 7927.400-
28 7927.420); see also Sections 7923.620 (disclosure of arrestee's address or victim's address for
29 specified purposes), 7926.405 (personal information regarding employees or specified other
30 persons associated with reproductive health services facility), 7928.200-7928.230 (online posting
31 or sale of personal information of elected or appointed official), 7928.300 (personal information of
32 agency employee). For CPRA provisions that relate specifically to financial records or tax records,
33 see Sections 7925.000-7925.010. For guidance on private records, privileged materials, and other
34 records protected by law from disclosure, see Sections 7927.700-7927.705. For provisions
35 governing redaction or truncation of social security numbers, see Sections 7922.200-7922.210.

36 For other special rules applicable to specific types of public records, see the rest of this part
37 (Sections 7923.600-7929.610); 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
44 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
45 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
46 see Sections 7922.525 and 7922.530.

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.

50 See Section 7920.520 ("person").

1 **§ 7927.420. Information relating to deceased minor foster child**

2 7927.420. Notwithstanding paragraph (2) of subdivision (a) of Section 827 of the
3 Welfare and Institutions Code, after the death of a foster child who is a minor, the
4 name, date of birth, and date of death of the child shall be subject to disclosure by
5 the county child welfare agency pursuant to this division.

6 **Comment.** Section 7927.420 continues former Section 6252.6 without substantive change.

7 For other provisions of the California Public Records Act (“CPRA”) that relate specifically to
8 personal information or customer records, see the rest of this chapter (Sections 7927.400-
9 7927.415); see also Sections 7923.620 (disclosure of arrestee’s address or victim’s address for
10 specified purposes), 7926.405 (personal information regarding employees or specified other
11 persons associated with reproductive health services facility), 7928.200-7928.230 (online posting
12 or sale of personal information of elected or appointed official), 7928.300 (personal information of
13 agency employee). For CPRA provisions that relate specifically to financial records or tax records,
14 see Sections 7925.000-7925.010. For guidance on private records, privileged materials, and other
15 records protected by law from disclosure, see Sections 7927.700-7927.705. For provisions
16 governing redaction or truncation of social security numbers, see Sections 7922.200-7922.210.

17 For other special rules applicable to specific types of public records, see the rest of this part
18 (Sections 7923.600-7929.610); 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
25 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
26 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
27 see Sections 7922.525 and 7922.530.

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

31 **CHAPTER 11. PRELIMINARY DRAFTS AND SIMILAR MATERIALS**

32 **§ 7927.500. Preliminary drafts, notes, or interagency or intra-agency memoranda not**
33 **ordinarily retained**

34 7927.500. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
35 division does not require disclosure of any preliminary drafts, notes, or interagency
36 or intra-agency memoranda that are not retained by a public agency in the ordinary
37 course of business, if the public interest in withholding those records clearly
38 outweighs the public interest in disclosure.

39 **Comment.** Section 7927.500 continues former Section 6254(a) without substantive change.

40 For provisions of the California Public Records Act (“CPRA”) that relate specifically to litigation
41 records, see Sections 7927.200-7927.205. For guidance on private records, privileged materials,
42 and other records protected by law from disclosure, see Sections 7927.700-7927.705.

43 For other special rules applicable to specific types of public records, see the rest of this part
44 (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
45 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

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
4 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
5 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
6 see Sections 7922.525 and 7922.530.

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

10 See Section 7920.525 ("public agency").

11 CHAPTER 12. PRIVATE INDUSTRY

12 § 7927.600. Identity of private industry employer obtained in conjunction with collection of 13 private industry wage data

14 7927.600. Whenever a city and county or a joint powers agency, pursuant to a
15 mandatory statute or charter provision to collect private industry wage data for
16 salary setting purposes, or a contract entered to implement that mandate, is provided
17 this data by the federal Bureau of Labor Statistics on the basis that the identity of
18 private industry employers shall remain confidential, the identity of the employers
19 shall not be open to the public or be admitted as evidence in any action or special
20 proceeding.

21 **Comment.** Section 7927.600 continues former Section 6254.6 without substantive change.

22 For other special rules in the California Public Records Act ("CPRA") that apply to specific
23 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
24 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
25 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
31 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
32 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
33 see Sections 7922.525 and 7922.530.

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 § 7927.605. Records relating to siting of private company

38 7927.605. (a) Nothing in this division requires the disclosure of records that are
39 any of the following: corporate financial records, corporate proprietary information
40 including trade secrets, and information relating to siting within the state furnished
41 to a government agency by a private company for the purpose of permitting the
42 agency to work with the company in retaining, locating, or expanding a facility
43 within California.

44 (b) Except as provided in subdivision (c), incentives offered by a state or a local
45 government agency, if any, shall be disclosed upon communication to the agency or

1 the public of a decision to stay, locate, relocate, or expand, by a company, or upon
2 application by that company to a governmental agency for a general plan
3 amendment, rezone, use permit, building permit, or any other permit, whichever
4 occurs first.

5 (c) Before publicly disclosing a record that describes state or local incentives
6 offered by an agency to a private business to retain, locate, relocate, or expand the
7 business within California, the agency shall delete information that is exempt
8 pursuant to this section.

9 **Comment.** Section 7927.605 continues former Section 6254.15 without substantive change.

10 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
11 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
12 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
13 exemptions).

14 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
15 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
16 procedural rules governing requests for public records and related matters, see Sections 7922.500-
17 7922.725; see also Sections 7923.000-7923.510 (enforcement).

18 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For
19 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
20 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
21 see Sections 7922.525 and 7922.530.

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”), 7920.540 (“state agency”).

26 CHAPTER 13. PRIVATE RECORDS, PRIVILEGED MATERIALS, AND
27 OTHER RECORDS PROTECTED BY LAW FROM DISCLOSURE

28 **§ 7927.700. Personnel, medical, and similarly private files**

29 7927.700. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
30 division does not require disclosure of personnel, medical, or similar files, the
31 disclosure of which would constitute an unwarranted invasion of personal privacy.

32 **Comment.** Section 7927.700 continues former Section 6254(c) without substantive change.

33 In addition to this section, many other laws protect personal privacy to one degree or another.
34 See, e.g., Health Insurance Portability and Accountability Act (“HIPPA”), Pub. Law 104-191, 110
35 Stat. 1936 (1996); Public Safety Officers Procedural Bill of Rights Act (“POBAR,” codified at
36 Sections 3300-3312); Penal Code §§ 832.5, 832.7, 832.8.

37 For provisions of the California Public Records Act (“CPRA”) that relate specifically to personal
38 information or customer records, see Sections 7927.400-7927.420; see also Sections 7923.620
39 (disclosure of arrestee’s address or victim’s address for specified purposes), 7926.405 (personal
40 information regarding employees or specified other persons associated with reproductive health
41 services facility), 7928.200-7928.230 (online posting or sale of personal information of elected or
42 appointed official), 7928.300 (personal information of agency employee). For CPRA provisions
43 that relate specifically to financial records or tax records, see Sections 7925.000-7925.010. For
44 guidance on private records, privileged materials, and other records protected by law from
45 disclosure, see Sections 7927.700-7927.705. For provisions governing redaction or truncation of
46 social security numbers, see Sections 7922.200-7922.210.

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
9 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
10 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
11 see Sections 7922.525 and 7922.530.

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 **Note.** Proposed Section 7927.700 would continue the substance of Section 6254(c), which refers
16 broadly to “personnel, medical, or similar files, the disclosure of which would constitute an
17 unwarranted invasion of personal privacy.” There are also a variety of other, more specific, legal
18 protections for medical, personnel, and similarly private records.

19 It would be helpful to refer to the most important such legal protections in the Comment to
20 proposed Section 7927.700. **The Commission encourages input on which legal protections to
21 mention in this Comment.**

22 **The Commission would also appreciate input on any other aspect of this draft, including
23 input on which code provisions, cases, or other legal authorities to mention in any of the
24 Comments.** Such assistance would be invaluable, helping to make the proposed recodification
25 user-friendly and effective.

26 **§ 7927.705. Privileged records and other records protected by law from disclosure**

27 7927.705. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
28 division does not require disclosure of records, the disclosure of which is exempted
29 or prohibited pursuant to federal or state law, including, but not limited to,
30 provisions of the Evidence Code relating to privilege.

31 **Comment.** Section 7927.705 continues former Section 6254(k) without substantive change.

32 For evidentiary privileges under state law, see Evid. Code §§ 900-1070; see also Code Civ. Proc.
33 §§ 2018.010-2018.080 (attorney work product); Evid. Code §§ 1115-1129 (mediation
34 confidentiality). For evidentiary privileges under federal law, see Fed. R. Evid. 501.

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
44 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
45 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
46 see Sections 7922.525 and 7922.530.

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.

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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 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record, see Sections 7922.525 and 7922.530.

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 of at least 25 years. Subject to any restrictions permitted by this section or Section

1 7928.010, the Secretary of State, as custodian of the State Archives, shall make all
2 those public records and other writings available to the public as otherwise provided
3 for in this division.

4 **Comment.** Section 7928.005 continues former Section 6268(a) without substantive change.

5 For a special rule applicable to governors who held office between 1974 and 1988, see Section
6 7928.010. For the Secretary of State’s authority to appraise and manage the Governor’s records for
7 preservation in the State Archives, see Section 7928.015. For additional guidance on disclosure of
8 the Governor’s correspondence, see Section 7928.000. For additional rules in the California Public
9 Records Act (“CPRA”) that relate specifically to public employees and officials, see Sections
10 7928.100-7928.410.

11 For other special rules applicable to specific types of public records, see the rest of this part
12 (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
13 7930.215 (alphabetical list of many CPRA exemptions).

14 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
15 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
16 procedural rules governing requests for public records and related matters, see Sections 7922.500-
17 7922.725; see also Sections 7923.000-7923.510 (enforcement).

18 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For
19 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
20 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
21 see Sections 7922.525 and 7922.530.

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 7920.530 (“public records”), 7920.550 (“writing”).

26 **§ 7928.010. Special rule for Governor who held office between 1974 and 1988**

27 7928.010. (a)(1) For a Governor who held office between 1974 and 1988, Section
28 7928.005 does not apply to public records or other writings that were in the
29 Governor’s direct custody or control at the time of leaving office, except to the
30 extent that the Governor may voluntarily transfer those records or other writings to
31 the State Archives.

32 (2) Subdivision (a) does not apply to enrolled bill files, press releases, speech files,
33 or writings relating to applications for clemency or extradition.

34 (b)(1) Notwithstanding any other law, the public records and other writings of any
35 Governor who held office between 1974 and 1988 may be transferred to any
36 educational or research institution in California. With respect to public records,
37 however, public access, as otherwise provided for by this division, shall not be
38 restricted for a period greater than 50 years or the death of the Governor, whichever
39 is later.

40 (2) Records or writings shall not be transferred pursuant to this subdivision unless
41 the institution receiving them agrees to maintain, and does maintain, the materials
42 according to commonly accepted archival standards.

43 (3) An institution receiving public records pursuant to this subdivision shall not
44 destroy any of those records without first receiving the written approval of the
45 Secretary of State, as custodian of the State Archives. The Secretary of State may
46 require that the records be placed in the State Archives rather than being destroyed.

1 (4) An institution receiving records or writings pursuant to this subdivision shall
2 allow the Secretary of State, as custodian of the State Archives, to copy, at state
3 expense, and to make available to the public, any and all public records, and
4 inventories, indices, or finding aids relating to those records that the institution
5 makes available to the public generally. Copies of those records in the custody of
6 the State Archives shall be given the same legal effect as is given to the originals.

7 **Comment.** Subdivision (a) of Section 7928.010 continues former Section 6268(b) without
8 substantive change.

9 Subdivision (b) continues former Section 6268(c) without substantive change. An outdated
10 reference to “this paragraph” (as opposed to “this subdivision”) in the second sentence of former
11 Section 6268(c) has been corrected. See 1988 Cal. Stat. ch. 503, § 1.

12 By its terms, Section 7928.010 only applies to governors who held office between 1974 and
13 1988. For guidance on archiving and disclosure of the records of other governors upon leaving
14 office, see Section 7928.005. For the Secretary of State’s authority to appraise and manage the
15 Governor’s records for preservation in the State Archives, see Section 7928.015. For further
16 guidance on disclosure of the Governor’s correspondence, see Section 7928.000. For additional
17 rules in the California Public Records Act (“CPRA”) that relate specifically to public employees
18 and officials, see Sections 7928.100-7928.410.

19 For other special rules applicable to specific types of public records, see the rest of this part
20 (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
21 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
27 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
28 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
29 see Sections 7922.525 and 7922.530.

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 7920.530 (“public records”), 7920.550 (“writing”).

34 **§ 7928.015. Authority of Secretary of State to appraise and manage Governor’s records**

35 7928.015. (a) The Secretary of State may appraise and manage new or existing
36 records that are subject to Section 7928.005 or 7928.010 to determine whether the
37 records are appropriate for preservation in the State Archives.

38 (b) For purposes of this section, the Secretary of State shall use professional
39 archival practices, including, but not limited to, appraising the historic value of the
40 records, arranging and describing the records, rehousing the records in appropriate
41 storage containers, or providing any conservation treatment that the records require.

42 **Comment.** Section 7928.015 continues former Section 6268.5 without substantive change.

43 For further guidance on archiving and disclosure of the Governor’s public records upon leaving
44 office, see Sections 7928.005-7928.010. For further guidance on disclosure of the Governor’s
45 correspondence, see Section 7928.000. For additional rules in the California Public Records Act
46 (“CPRA”) that relate specifically to public employees and officials, see Sections 7928.100-
47 7928.410.

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
9 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
10 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
11 see Sections 7922.525 and 7922.530.

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 7920.530 ("public records").

16 Article 2. The Legislature

17 § 7928.100. Records of Legislative Counsel

18 7928.100. (a) Except as provided in subdivision (b) and in Sections 7924.510,
19 7924.700, and 7927.605, this division does not require disclosure of any records that
20 are in the custody of, or maintained by, the Legislative Counsel.

21 (b) Subdivision (a) does not apply to records in the public database maintained by
22 the Legislative Counsel that are described in Section 10248.

23 **Comment.** Section 7928.100 continues former Section 6254(m) without substantive change.

24 For guidance on disclosure and archiving of the Governor's records, see Sections 7928.000-
25 7928.015. For additional rules in the California Public Records Act ("CPRA") that relate
26 specifically to public employees and officials, see Sections 7928.200-7928.410.

27 For other special rules applicable to specific types of public records, see the rest of this part
28 (Sections 7923.600-7929.610); 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
35 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
36 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
37 see Sections 7922.525 and 7922.530.

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

41 Article 3. Online Posting or Sale of Personal Information of Elected 42 or Appointed Official

43 § 7928.200. Effect of article

44 7928.200. (a) Nothing in this article is intended to preclude punishment instead
45 under Sections 69, 76, or 422 of the Penal Code, or any other law.

1 (b) An interactive computer service or access software provider, as defined in
2 Section 230(f) of Title 47 of the United States Code, shall not be liable under this
3 article unless the service or provider intends to abet or cause imminent great bodily
4 harm that is likely to occur or threatens to cause imminent great bodily harm to an
5 elected or appointed official.

6 **Comment.** Subdivision (a) of Section 7928.200 continues former Section 6254.21(e) without
7 substantive change.

8 Subdivision (b) continues former Section 6254.21(g) without substantive change.

9 For guidance regarding online posting or sale of personal information of an elected or appointed
10 official, see the rest of this article (Sections 7928.205-7928.230). For additional rules in the
11 California Public Records Act (“CPRA”) that relate specifically to public employees and officials,
12 see Sections 7928.000-7928.100, 7928.300-7928.410.

13 For other special rules applicable to specific types of public records, see the rest of this part
14 (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA catch-all exemption), 7930.000-
15 7930.215 (alphabetical list of many CPRA 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
21 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
22 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
23 see Sections 7922.525 and 7922.530.

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 7920.500 (“elected or appointed official”).

28 **§ 7928.205. Agency posting home address or phone number of elected or appointed official**
29 **on Internet**

30 7928.205. No state or local agency shall post the home address or telephone
31 number of any elected or appointed official on the Internet without first obtaining
32 the written permission of that individual.

33 **Comment.** Section 7928.205 continues former Section 6254.21(a) without substantive change.

34 For a prohibition on posting the home address or phone number of an elected or appointed official
35 (or the official’s spouse or child) on the Internet with knowledge and intent, see Section 7928.210.
36 For a prohibition on publicly posting or displaying the home address or phone number of an elected
37 or appointed official who has made a written demand for nondisclosure, see Sections 7928.215-
38 7928.225 & Comments. For a prohibition on solicitation, sale, or trade of an elected or appointed
39 official’s home address or phone number on the Internet with intent to cause imminent great bodily
40 harm, see Section 7928.230. For rules on disclosure of personal information of agency employees,
41 see Section 7928.300. For some of the laws governing disclosure of personal information of
42 members of the general public, see Sections 7927.400-7927.420; see also Sections 7922.200-
43 7922.210 (redaction and truncation of social security numbers).

44 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
45 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
46 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
47 exemptions).

48 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
49 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
4 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
5 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
6 see Sections 7922.525 and 7922.530.

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

10 See Sections 7920.500 ("elected or appointed official"), 7920.510 ("local agency"), 7920.540
11 ("state agency"). See also Section 7928.200 (effect of article).

12 **§ 7928.210. Posting home address or phone number of elected or appointed official, or**
13 **official's spouse or child, on Internet with knowledge and intent**

14 7928.210. (a) No person shall knowingly post the home address or telephone
15 number of any elected or appointed official, or of the official's residing spouse or
16 child, on the Internet knowing that person is an elected or appointed official and
17 intending to cause imminent great bodily harm that is likely to occur or threatening
18 to cause imminent great bodily harm to that individual.

19 (b) A violation of this section is a misdemeanor.

20 (c) A violation of this section that leads to the bodily injury of the official, or the
21 official's residing spouse or child, is a misdemeanor or a felony.

22 **Comment.** Section 7928.210 continues former Section 6254.21(b) without substantive change.

23 For a rule prohibiting a state or local agency from posting the home address or phone number of
24 an elected or appointed official on the Internet without the official's permission, see Section
25 7928.205. For a prohibition on publicly posting or displaying the home address or phone number
26 of an elected or appointed official who has made a written demand for nondisclosure, see Sections
27 7928.215-7928.225 & Comments. For a prohibition on solicitation, sale, or trade of an elected or
28 appointed official's home address or phone number on the Internet with intent to cause imminent
29 great bodily harm, see Section 7928.230. For rules on disclosure of personal information of agency
30 employees, see Section 7928.300. For some of the laws governing disclosure of personal
31 information of members of the general public, see Sections 7927.400-7927.420; see also Sections
32 7922.200-7922.210 (redaction and truncation of social security numbers).

33 For other special rules in the California Public Records Act ("CPRA") that apply to specific
34 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
35 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
36 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
42 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
43 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
44 see Sections 7922.525 and 7922.530.

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 7920.500 ("elected or appointed official"), 7920.520 ("person"). See also Section
49 7928.200 (effect of article).

1 § 7928.215. Publicly posting or displaying home address or phone number of elected or
2 appointed official who has made written demand for nondisclosure

3 7928.215. (a) For purposes of this section, “publicly post” or “publicly display”
4 means to intentionally communicate or otherwise make available to the general
5 public.

6 (b) No person, business, or association shall publicly post or publicly display on
7 the Internet the home address or telephone number of any elected or appointed
8 official if that official has, either directly or through an agent designated under
9 Section 7928.220, made a written demand of that person, business, or association to
10 not disclose the official’s home address or telephone number.

11 (c) A written demand made under this section by a state constitutional officer, a
12 mayor, or a member of the Legislature, a city council, or a board of supervisors shall
13 include a statement describing a threat or fear for the safety of that official or of any
14 person residing at the official’s home address.

15 (d) A written demand made under this section by an elected official shall be
16 effective for four years, regardless of whether the official’s term has expired before
17 the end of the four-year period.

18 (e)(1) A person, business, or association that receives the written demand of an
19 elected or appointed official pursuant to this section shall remove the official’s home
20 address or telephone number from public display on the Internet, including
21 information provided to cellular telephone applications, within 48 hours of delivery
22 of the written demand, and shall continue to ensure that this information is not
23 reposted on the same Internet Web site, subsidiary site, or any other Internet Web
24 site maintained by the recipient of the written demand.

25 (2) After receiving the elected or appointed official’s written demand, the person,
26 business, or association shall not transfer the appointed or elected official’s home
27 address or telephone number to any other person, business, or association through
28 any other medium.

29 (3) Paragraph (2) does not prohibit a telephone corporation, as defined in Section
30 234 of the Public Utilities Code, or its affiliate, from transferring the elected or
31 appointed official’s home address or telephone number to any person, business, or
32 association, if the transfer is authorized by federal or state law, regulation, order, or
33 tariff, or necessary in the event of an emergency, or to collect a debt owed by the
34 elected or appointed official to the telephone corporation or its affiliate.

35 **Comment.** Subdivision (a) of Section 7928.215 continues former Section 6254.21(c)(1)(E)
36 without substantive change.

37 Subdivision (b) continues former Section 6254.21(c)(1)(A) without substantive change.

38 Subdivision (c) continues former Section 6254.21(c)(1)(B) without substantive change.

39 Subdivision (d) continues former Section 6254.21(c)(1)(C) without substantive change.

40 Subdivision (e) continues former Section 6254.21(c)(1)(D) without substantive change.

41 For guidance on enforcement of this section and remedies for violation, see Section 7928.225.
42 For a rule prohibiting a state or local agency from posting the home address or phone number of an
43 elected or appointed official on the Internet without the official’s permission, see Section 7928.205.
44 For a prohibition on posting the home address or phone number of an elected or appointed official
45 (or the official’s spouse or child) on the Internet with knowledge and intent, see Section 7928.210.

1 For a prohibition on solicitation, sale, or trade of an elected or appointed official’s home address
2 or phone number on the Internet with intent to cause imminent great bodily harm, see Section
3 7928.230. For rules on disclosure of personal information of agency employees, see Section
4 7928.300. For some of the laws governing disclosure of personal information of members of the
5 general public, see Sections 7927.400-7927.420; see also Sections 7922.200-7922.210 (redaction
6 and truncation of social security numbers).

7 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
8 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
9 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
10 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
16 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
17 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
18 see Sections 7922.525 and 7922.530.

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 7920.500 (“elected or appointed official”), 7920.520 (“person”). See also Section
23 7928.200 (effect of article).

24 **§ 7928.220. Designation of agent to make written demand**

25 7928.220. (a) An elected or appointed official may designate in writing the
26 official’s employer, a related governmental entity, or any voluntary professional
27 association of similar officials to act, on behalf of that official, as that official’s
28 agent with regard to making a written demand pursuant to this article.

29 (b) An appointed official who is a District Attorney, a Deputy District Attorney,
30 or a peace officer, as defined in Sections 830 to 830.65, inclusive, of the Penal Code,
31 may also designate the official’s recognized collective bargaining representative to
32 make a written demand on the official’s behalf pursuant to this article.

33 (c) A written demand made by an agent pursuant to Section 7928.215 shall include
34 a statement describing a threat or fear for the safety of that official or of any person
35 residing at the official’s home address.

36 **Comment.** Section 7928.220 continues former Section 6254.21(c)(3) without substantive
37 change.

38 For the effect of a demand under this section, see Sections 7928.215 (publicly posting or
39 displaying home address or phone number of elected or appointed official who has made written
40 demand for nondisclosure), 7928.225 (enforcement and remedies).

41 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
42 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
43 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
44 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
2 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
3 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
4 see Sections 7922.525 and 7922.530.

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

8 See Sections 7920.500 (“elected or appointed official”), 7920.520 (“person”), 7920.550
9 (“writing”). See also Section 7928.200 (effect of article).

10 **§ 7928.225. Enforcement and remedies**

11 7928.225. (a) An official whose home address or telephone number is made public
12 as a result of a violation of Section 7928.215 may bring an action seeking injunctive
13 or declarative relief in any court of competent jurisdiction.

14 (b) If a court finds that a violation has occurred, it may grant injunctive or
15 declarative relief and shall award the official court costs and reasonable attorney’s
16 fees.

17 (c) A fine not exceeding one thousand dollars (\$1,000) may be imposed for a
18 violation of the court’s order for an injunction or declarative relief obtained pursuant
19 to this section.

20 **Comment.** Section 7928.225 continues former Section 6254.21(c)(2) without substantive
21 change.

22 For further guidance regarding punishment, see Section 7928.200 (effect of article). For other
23 special rules in the California Public Records Act (“CPRA”) that apply to specific types of public
24 records, see the rest of this part (Sections 7923.600-7929.610); see also Sections 7922.000 (CPRA
25 catch-all 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
31 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
32 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
33 see Sections 7922.525 and 7922.530.

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 **§ 7928.230. Solicitation, sale, or trade of elected or appointed official’s home address or**
38 **phone number on Internet with intent to cause imminent great bodily harm**

39 7928.230. (a) No person, business, or association shall solicit, sell, or trade on the
40 Internet the home address or telephone number of an elected or appointed official
41 with the intent to cause imminent great bodily harm to the official or to any person
42 residing at the official’s home address.

43 (b) Notwithstanding any other law, an official whose home address or telephone
44 number is solicited, sold, or traded in violation of subdivision (a) may bring an
45 action in any court of competent jurisdiction.

1 (c) If a jury or court finds that a violation has occurred, it shall award damages to
2 that official in an amount up to a maximum of three times the actual damages but in
3 no case less than four thousand dollars (\$4,000).

4 **Comment.** Section 7928.230 continues former Section 6254.21(d) without substantive change.

5 For a rule prohibiting a state or local agency from posting the home address or phone number of
6 an elected or appointed official on the Internet without the official's permission, see Section
7 7928.205. For a prohibition on posting the home address or phone number of an elected or
8 appointed official (or the official's spouse or child) on the Internet with knowledge and intent, see
9 Section 7928.210. For a prohibition on publicly posting or displaying the home address or phone
10 number of an elected or appointed official who has made a written demand for nondisclosure, see
11 Sections 7928.215-7928.225 & Comments. For rules on disclosure of personal information of
12 agency employees, see Section 7928.300. For some of the laws governing disclosure of personal
13 information of members of the general public, see Sections 7927.400-7927.420; see also Sections
14 7922.200-7922.210 (redaction and truncation of social security numbers).

15 For other special rules in the California Public Records Act ("CPRA") that apply to specific
16 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
17 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
18 exemptions).

19 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
20 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 legislative findings and declarations underlying the CPRA, see Section 7921.000. For
24 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
25 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
26 see Sections 7922.525 and 7922.530.

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 Sections 7920.500 ("elected or appointed official"), 7920.520 ("person"). See also Section
31 7928.200 (effect of article).

32 Article 4. Personal Information of Agency Employee

33 § 7928.300. Home address, home phone number, personal cellular phone number, birth 34 date, and personal email address of employee of public agency

35 7928.300. (a) The home addresses, home telephone numbers, personal cellular
36 telephone numbers, and birth dates of all employees of a public agency shall not be
37 deemed to be public records and shall not be open to public inspection, except that
38 disclosure of that information may be made as follows:

39 (1) To an agent, or a family member of the individual to whom the information
40 pertains.

41 (2) To an officer or employee of another public agency when necessary for the
42 performance of its official duties.

43 (3) To an employee organization pursuant to regulations and decisions of the
44 Public Employment Relations Board, except that the home addresses and any phone
45 numbers on file with the employer of employees performing law enforcement-
46 related functions, and the birth date of any employee, shall not be disclosed.

1 (4) To an agent or employee of a health benefit plan providing health services or
2 administering claims for health services to public agencies and their enrolled
3 dependents, for the purpose of providing the health services or administering claims
4 for employees and their enrolled dependents.

5 (b)(1) Unless used by the employee to conduct public business, or necessary to
6 identify a person in an otherwise disclosable communication, the personal email
7 addresses of all employees of a public agency shall not be deemed to be public
8 records and shall not be open to public inspection, except that disclosure of that
9 information may be made as specified in paragraphs (1) to (4), inclusive, of
10 subdivision (a).

11 (2) This subdivision shall not be construed to limit the public’s right to access the
12 content of an employee’s personal email that is used to conduct public business, as
13 decided by the California Supreme Court in *City of San Jose v. Superior Court*
14 (2017) 2 Cal.5th 608.

15 (c) Upon written request of any employee, a public agency shall not disclose the
16 employee’s home address, home telephone number, personal cellular telephone
17 number, personal email address, or birth date pursuant to paragraph (3) of
18 subdivision (a) and an agency shall remove the employee’s home address, home
19 telephone number, and personal cellular telephone number from any mailing list
20 maintained by the agency, except if the list is used exclusively by the agency to
21 contact the employee.

22 **Comment.** Section 7928.300 continues former Section 6254.3 without substantive change.

23 For rules governing online posting or sale of personal information of an elected or appointed
24 official, see Sections 7928.200-7928.230. For some of the laws governing disclosure of personal
25 information of members of the general public, see Sections 7927.400-7927.420; see also Sections
26 7922.200-7922.210 (redaction and truncation of social security numbers).

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
36 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
37 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
38 see Sections 7922.525 and 7922.530.

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 7920.525 (“public agency”), 7920.530 (“public records”), 7920.550 (“writing”).

1 Article 5. Employment Contracts of Government Employees and
2 Related Matters

3 **§ 7928.400. Employment contract between agency and public official or public employee**

4 7928.400. Every employment contract between a state or local agency and any
5 public official or public employee is a public record that is not subject to Section
6 7922.000 and the provisions listed in Section 7920.505.

7 **Comment.** Section 7928.400 continues former Section 6254.8 without substantive change.

8 For a provision on personal information of an agency employee, see Section 7928.300. For rules
9 governing online posting or sale of personal information of an elected or appointed official, see
10 Sections 7928.200-7928.230.

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
20 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
21 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
22 see Sections 7922.525 and 7922.530.

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

27 **§ 7928.405. State agency records relating to activities governed by specified employee**
28 **relations acts**

29 7928.405. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
30 this division does not require the disclosure of records of state agencies related to
31 activities governed by Chapter 10.3 (commencing with Section 3512), Chapter 10.5
32 (commencing with Section 3525), and Chapter 12 (commencing with Section 3560)
33 of Division 4, that reveal a state agency’s deliberative processes, impressions,
34 evaluations, opinions, recommendations, meeting minutes, research, work products,
35 theories, or strategy, or that provide instruction, advice, or training to employees
36 who do not have full collective bargaining and representation rights under these
37 chapters.

38 (b) This section shall not be construed to limit the disclosure duties of a state
39 agency with respect to any other records relating to the activities governed by the
40 employee relations acts referred to in this section.

41 **Comment.** Section 7928.405 continues former Section 6254(p)(1) without substantive change.

42 For a similar provision relating to a local agency, see Section 7928.410. For provisions in the
43 California Public Records Act (“CPRA”) on spending, finances, and oversight of public entities,
44 see Sections 7928.700-7928.720.

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
9 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
10 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
11 see Sections 7922.525 and 7922.530.

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 7920.540 ("state agency").

16 **§ 7928.410. Local agency records relating to activities governed by Meyers-Milias-Brown**
17 **Act**

18 7928.410. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
19 this division does not require the disclosure of records of local agencies related to
20 activities governed by Chapter 10 (commencing with Section 3500) of Division 4,
21 that reveal a local agency's deliberative processes, impressions, evaluations,
22 opinions, recommendations, meeting minutes, research, work products, theories, or
23 strategy, or that provide instruction, advice, or training to employees who do not
24 have full collective bargaining and representation rights under that chapter.

25 (b) This section shall not be construed to limit the disclosure duties of a local
26 agency with respect to any other records relating to the activities governed by the
27 employee relations act referred to in this section.

28 **Comment.** Section 7928.410 continues former Section 6254(p)(2) without substantive change.

29 For a similar provision relating to a state agency, see Section 7928.405. For provisions in the
30 California Public Records Act ("CPRA") on spending, finances, and oversight of public entities,
31 see Sections 7928.700-7928.720.

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
40 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
41 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
42 see Sections 7922.525 and 7922.530.

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").

1 CHAPTER 15. PUBLIC ENTITY SPENDING, FINANCES, AND OVERSIGHT

2 Article 1. Access in General

3 **§ 7928.700. Access to agency contract requiring private entity to review, audit, or report on**
4 **that agency**

5 7928.700. Notwithstanding any contract term to the contrary, a contract entered
6 into by a state or local agency subject to this division, including the University of
7 California, that requires a private entity to review, audit, or report on any aspect of
8 that agency shall be public to the extent the contract is otherwise subject to
9 disclosure under this division.

10 **Comment.** Section 7928.700 continues former Section 6253.31 without substantive change.

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
20 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
21 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
22 see Sections 7922.525 and 7922.530.

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

27 **§ 7928.705. Specified records relating to public supply and construction contracts or to**
28 **acquisition of property by state or local agency**

29 7928.705. (a) Except as provided in subdivision (b) and in Sections 7924.510,
30 7924.700, and 7927.605, this division does not require disclosure of the contents of
31 real estate appraisals or engineering or feasibility estimates and evaluations made
32 for or by a state or local agency relative to the acquisition of property, or to
33 prospective public supply and construction contracts, until all of the property has
34 been acquired or all of the contract agreement obtained.

35 (b) This section does not affect the law of eminent domain.

36 **Comment.** Section 7928.705 continues former Section 6254(h) 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).

1 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For
2 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
3 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
4 see Sections 7922.525 and 7922.530.

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

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

9 **§ 7928.710. Records relating to alternative investments of public investment funds**

10 7928.710. (a) For purposes of this section, the following definitions apply:

11 (1) “Alternative investment” means an investment in a private equity fund,
12 venture fund, hedge fund, or absolute return fund.

13 (2) “Alternative investment vehicle” means the limited partnership, limited
14 liability company, or similar legal structure through which the public investment
15 fund invests in portfolio companies.

16 (3) “Portfolio positions” means individual portfolio investments made by the
17 alternative investment vehicles.

18 (4) “Public investment fund” means any public pension or retirement system, and
19 any public endowment or foundation.

20 (b) Notwithstanding any provision of this division or other law, the following
21 records regarding alternative investments in which public investment funds invest
22 are not subject to disclosure pursuant to this division, unless the information has
23 already been publicly released by the keeper of the information:

24 (1) Due diligence materials that are proprietary to the public investment fund or
25 the alternative investment vehicle.

26 (2) Quarterly and annual financial statements of alternative investment vehicles.

27 (3) Meeting materials of alternative investment vehicles.

28 (4) Records containing information regarding the portfolio positions in which
29 alternative investment funds invest.

30 (5) Capital call and distribution notices.

31 (6) Alternative investment agreements and all related documents.

32 (c) Notwithstanding subdivision (b), the following information contained in
33 records described in subdivision (b) regarding alternative investments in which
34 public investment funds invest is subject to disclosure pursuant to this division and
35 shall not be considered a trade secret exempt from disclosure:

36 (1) The name, address, and vintage year of each alternative investment vehicle.

37 (2) The dollar amount of the commitment made to each alternative investment
38 vehicle by the public investment fund since inception.

39 (3) The dollar amount of cash contributions made by the public investment fund
40 to each alternative investment vehicle since inception.

41 (4) The dollar amount, on a fiscal yearend basis, of cash distributions received by
42 the public investment fund from each alternative investment vehicle.

1 (5) The dollar amount, on a fiscal yearend basis, of cash distributions received by
2 the public investment fund plus remaining value of partnership assets attributable to
3 the public investment fund’s investment in each alternative investment vehicle.

4 (6) The net internal rate of return of each alternative investment vehicle since
5 inception.

6 (7) The investment multiple of each alternative investment vehicle since
7 inception.

8 (8) The dollar amount of the total management fees and costs paid on an annual
9 fiscal yearend basis, by the public investment fund to each alternative investment
10 vehicle.

11 (9) The dollar amount of cash profit received by public investment funds from
12 each alternative investment vehicle on a fiscal year-end basis.

13 **Comment.** Subdivision (a) of Section 7928.710 continues former Section 6254.26(c) without
14 substantive change.

15 Subdivision (b) continues former Section 6254.26(a) without substantive change.

16 Subdivision (c) continues former Section 6254.26(b) without substantive change.

17 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
18 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
19 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
20 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
26 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
27 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
28 see Sections 7922.525 and 7922.530.

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 **§ 7928.715. Unique identifying code used by public agency to identify vendor or contractor**
33 **or affiliate**

34 7928.715. Nothing in this division requires disclosure of an identification number,
35 alphanumeric character, or other unique identifying code that a public agency uses
36 to identify a vendor or contractor, or an affiliate of a vendor or contractor, unless
37 the identification number, alphanumeric character, or other unique identifying code
38 is used in a public bidding or an audit involving the public agency.

39 **Comment.** Section 7928.715 continues former Section 6254.33 without substantive change.

40 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
41 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
42 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
43 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
2 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
3 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
4 see Sections 7922.525 and 7922.530.

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

8 See Section 7920.525 (“public agency”).

9 **§ 7928.720. Itemized statement of total expenditures and disbursements of judicial branch**
10 **agency**

11 7928.720. Notwithstanding Section 7920.540, an itemized statement of the total
12 expenditures and disbursements of any agency provided for in Article VI of the
13 California Constitution shall be open for inspection.

14 **Comment.** Section 7928.720 continues former Section 6261 without substantive change.

15 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
16 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
17 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
18 exemptions).

19 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
20 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 legislative findings and declarations underlying the CPRA, see Section 7921.000. For
24 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
25 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
26 see Sections 7922.525 and 7922.530.

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 **Article 2. Requirements Specific to Online Access**

31 **§ 7928.800. Website of independent special district**

32 7928.800. In implementing this division, each independent special district shall
33 maintain an Internet Web site in accordance with Section 53087.8.

34 **Comment.** Section 7928.800 continues former Section 6270.6 without substantive change.

35 For an explanation of the role and importance of special districts, see 2018 Cal. Stat. ch. 408, §
36 1. For guidance in the California Public Records Act (“CPRA”) regarding agency websites, see
37 Sections 7922.545 (posting public record on agency’s Internet Web site), 7922.680 (formatting of
38 record that local agency posts on Internet Resource), and 7922.715 (posting catalog of enterprise
39 systems on local agency’s website).

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).

1 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For
2 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
3 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
4 see Sections 7922.525 and 7922.530.

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

8 CHAPTER 16. REGULATION OF FINANCIAL INSTITUTIONS AND
9 SECURITIES

10 § 7929.000. Records of state agency that regulates or supervises financial institutions or
11 issuance of securities

12 7929.000. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
13 division does not require disclosure of records contained in, or related to, any of the
14 following:

15 (a) Applications filed with any state agency responsible for the regulation or
16 supervision of the issuance of securities or of financial institutions, including, but
17 not limited to, banks, savings and loan associations, industrial loan companies,
18 credit unions, and insurance companies.

19 (b) Examination, operating, or condition reports prepared by, on behalf of, or for
20 the use of, any state agency referred to in subdivision (a).

21 (c) Preliminary drafts, notes, or interagency or intra-agency communications
22 prepared by, on behalf of, or for the use of, any state agency referred to in
23 subdivision (a).

24 (d) Information received in confidence by any state agency referred to in
25 subdivision (a).

26 **Comment.** Section 7929.000 continues former Section 6254(d) without substantive change.

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
36 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
37 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
38 see Sections 7922.525 and 7922.530.

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.

1 **§ 7929.005. Disciplinary records made available to Department of Business Oversight**
2 **through computer system**

3 7929.005. (a) Any information reported to the North American Securities
4 Administrators Association/Financial Industry Regulatory Authority and compiled
5 as disciplinary records that are made available to the Department of Business
6 Oversight through a computer system constitutes a public record.

7 (b) Notwithstanding any other provision of law, upon written or oral request
8 pursuant to Section 25247 of the Corporations Code, the Department of Business
9 Oversight may disclose any of the following:

- 10 (1) The information described in subdivision (a).
11 (2) The current license status of a broker-dealer.
12 (3) The year of issuance of the license of a broker-dealer.

13 **Comment.** Section 7929.005 continues former Section 6254.12 without substantive change.

14 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
15 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
16 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
17 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
23 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
24 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
25 see Sections 7922.525 and 7922.530.

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 7920.530 (“public records”), 7920.550 (“writing”).

30 **CHAPTER 17. SECURITY MEASURES AND RELATED MATTERS**

31 **§ 7929.200. Document assessing agency’s vulnerability to terrorist attack or other criminal**
32 **act intended to disrupt agency operations**

33 7929.200. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
34 division does not require disclosure of a document prepared by or for a state or local
35 agency that satisfies both of the following conditions:

- 36 (a) It assesses the agency’s vulnerability to terrorist attack or other criminal acts
37 intended to disrupt the public agency’s operation.
38 (b) It is for distribution or consideration in a closed session.

39 **Comment.** Section 7929.200 continues former Section 6254(aa) without substantive change.

40 For guidance on the proper treatment of critical infrastructure information that is voluntarily
41 submitted to the Office of Emergency Services, see Section 7929.205. For guidance on handling
42 an information security record of a public agency, see Section 7929.210. For guidance regarding a
43 risk assessment or railroad infrastructure protection program that is filed with the Public Utilities
44 Commission, the Director of Homeland Security, and the Office of Emergency Services, see
45 Section 7929.215. For disclosure of records relating to crimes, weapons, or law enforcement, see
46 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
10 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
11 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
12 see Sections 7922.525 and 7922.530.

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”), 7920.525 (“public agency”), 7920.540 (“state agency”).

17 **§ 7929.205. Critical infrastructure information voluntarily submitted to OES**

18 7929.205. (a) As used in this section, “voluntarily submitted” means submitted
19 without the Office of Emergency Services exercising any legal authority to compel
20 access to, or submission of, critical infrastructure information.

21 (b) Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
22 division does not require disclosure of critical infrastructure information, as defined
23 in Section 131(3) of Title 6 of the United States Code, that is voluntarily submitted
24 to the Office of Emergency Services for use by that office, including the identity of
25 the person who, or entity that, voluntarily submitted the information.

26 (c) This section does not affect the status of information in the possession of any
27 other state or local governmental agency.

28 **Comment.** Subdivision (a) of Section 7929.205 continues the second sentence of former Section
29 6254(ab) without substantive change.

30 Subdivision (b) continues the first sentence of former Section 6254(ab) without substantive
31 change.

32 Subdivision (c) continues the third sentence of former Section 6254(ab) without substantive
33 change.

34 For guidance on disclosure of a document assessing an agency’s vulnerability to terrorist attack
35 or other criminal acts intended to disrupt the agency’s operation, see Section 7929.200. For
36 guidance on handling an information security record of a public agency, see Section 7929.210. For
37 guidance regarding a risk assessment or railroad infrastructure protection program that is filed with
38 the Public Utilities Commission, the Director of Homeland Security, and the Office of Emergency
39 Services, see Section 7929.215. For disclosure of records relating to crimes, weapons, or law
40 enforcement, see Sections 7923.600-7923.805.

41 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
42 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
43 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
44 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
2 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
3 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
4 see Sections 7922.525 and 7922.530.

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

8 See Sections 7920.510 (“local agency”), 7920.520 (“person”), 7920.540 (“state agency”).

9 **§ 7929.210. Information security record of public agency**

10 7929.210. (a) Nothing in this division requires the disclosure of an information
11 security record of a public agency, if, on the facts of the particular case, disclosure
12 of that record would reveal vulnerabilities to, or otherwise increase the potential for
13 an attack on, an information technology system of a public agency.

14 (b) Nothing in this section limits public disclosure of records stored within an
15 information technology system of a public agency that are not otherwise exempt
16 from disclosure pursuant to this division or any other law.

17 **Comment.** Section 7929.210 continues former Section 6254.19 without substantive change.

18 For guidance on disclosure of a document assessing an agency’s vulnerability to terrorist attack
19 or other criminal acts intended to disrupt the agency’s operation, see Section 7929.200. For
20 guidance on the proper treatment of critical infrastructure information that is voluntarily submitted
21 to the Office of Emergency Services, see Section 7929.205. For guidance regarding a risk
22 assessment or railroad infrastructure protection program that is filed with the Public Utilities
23 Commission, the Director of Homeland Security, and the Office of Emergency Services, see
24 Section 7929.215. For disclosure of records relating to crimes, weapons, or law enforcement, see
25 Sections 7923.600-7923.805.

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
35 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
36 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
37 see Sections 7922.525 and 7922.530.

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

41 See Section 7920.525 (“public agency”).

42 **§ 7929.215. Risk assessment or railroad infrastructure protection program filed with PUC,**
43 **Director of Homeland Security, and OES**

44 7929.215. Nothing in this division or any other law requires disclosure of a risk
45 assessment or railroad infrastructure protection program filed with the Public
46 Utilities Commission, the Director of Homeland Security, and the Office of

1 Emergency Services pursuant to Article 7.3 (commencing with Section 7665) of
2 Chapter 1 of Division 4 of the Public Utilities Code.

3 **Comment.** Section 7929.215 continues former Section 6254.23 without substantive change.

4 For guidance on disclosure of a document assessing an agency’s vulnerability to terrorist attack
5 or other criminal acts intended to disrupt the agency’s operation, see Section 7929.200. For
6 guidance on the proper treatment of critical infrastructure information that is voluntarily submitted
7 to the Office of Emergency Services, see Section 7929.205. For guidance on handling an
8 information security record of a public agency, see Section 7929.210. For disclosure of records
9 relating to crimes, weapons, or law enforcement, see Sections 7923.600-7923.805.

10 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
11 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
12 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
13 exemptions).

14 For general rules governing disclosure of public records, see Sections 7921.300-7921.710. For
15 general rules governing exemptions from disclosure, see Sections 7922.000-7922.210. For
16 procedural rules governing requests for public records and related matters, see Sections 7922.500-
17 7922.725; see also Sections 7923.000-7923.510 (enforcement).

18 For legislative findings and declarations underlying the CPRA, see Section 7921.000. For
19 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
20 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
21 see Sections 7922.525 and 7922.530.

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 CHAPTER 18. STATE COMPENSATION INSURANCE FUND

26 § 7929.400. Confidential medical information or other individually identifiable information 27 in records relating to claim

28 7929.400. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
29 division does not require disclosure of records of the State Compensation Insurance
30 Fund that relate to claims pursuant to Chapter 1 (commencing with Section 3200)
31 of Division 4 of the Labor Code, to the extent that confidential medical information
32 or other individually identifiable information would be disclosed.

33 **Comment.** Section 7929.400 continues former Section 6254(ad)(1) without substantive change.

34 For guidance on disclosure of other types of records of the State Compensation Insurance Fund,
35 see Sections 7929.405-7929.430. For some of the laws generally governing access to medical
36 records and other health care information, see Sections 7926.000-7926.500; see also Sections
37 7927.700 (personnel, medical, and similarly private files), 7929.600 (results of test in DMV study
38 of physical or mental factors affecting driving ability).

39 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
40 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
41 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
42 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
48 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over

1 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
2 see Sections 7922.525 and 7922.530.

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 **§ 7929.405. Contract negotiations and related deliberations**

7 7929.405. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
8 division does not require disclosure of records of the State Compensation Insurance
9 Fund that relate to discussions, communications, or any other portion of negotiations
10 with entities contracting or seeking to contract with the fund, and any related
11 deliberations.

12 **Comment.** Section 7929.405 continues former Section 6254(ad)(2) without substantive change.

13 For guidance on disclosure of other types of records of the State Compensation Insurance Fund,
14 see Sections 7929.400, 7929.410-7929.430. For some of the laws generally governing access to
15 medical records and other health care information, see Sections 7926.000-7926.500; see also
16 Sections 7927.700 (personnel, medical, and similarly private files), 7929.600 (results of test in
17 DMV study of physical or mental factors affecting driving ability).

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
27 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
28 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
29 see Sections 7922.525 and 7922.530.

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 **§ 7929.410. Opinions, advice, strategy determinations, and similar materials**

34 7929.410. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
35 division does not require disclosure of records of the State Compensation Insurance
36 Fund that relate to the impressions, opinions, recommendations, meeting minutes of
37 meetings or sessions that are lawfully closed to the public, research, work product,
38 theories, or strategy of the fund or its staff, on the development of rates, contracting
39 strategy, underwriting, or competitive strategy pursuant to the powers granted to the
40 fund in Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the
41 Insurance Code.

42 **Comment.** Section 7929.410 continues former Section 6254(ad)(3) without substantive change.

43 For guidance on disclosure of other types of records of the State Compensation Insurance Fund,
44 see Sections 7929.400, 7929.405, 7929.415-7929.430. For some of the laws generally governing
45 access to medical records and other health care information, see Sections 7926.000-7926.500; see
46 also Sections 7927.700 (personnel, medical, and similarly private files), 7929.600 (results of test
47 in DMV study 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
10 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
11 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
12 see Sections 7922.525 and 7922.530.

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 **§ 7929.415. Records obtained to provide workers’ compensation insurance**

17 7929.415. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
18 division does not require disclosure of records of the State Compensation Insurance
19 Fund obtained to provide workers’ compensation insurance under Chapter 4
20 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code,
21 including, but not limited to, all of the following:

22 (a) Any medical claims information.

23 (b) Policyholder information, provided that nothing in this section shall be
24 interpreted to prevent an insurance agent or broker from obtaining proprietary
25 information or other information authorized by law to be obtained by the agent or
26 broker.

27 (c) Information on rates, pricing, and claims handling received from brokers.

28 **Comment.** Section 7929.415 continues former Section 6254(ad)(4) without substantive change.

29 For guidance on disclosure of other types of records of the State Compensation Insurance Fund,
30 see Sections 7929.400-7929.410, 7929.420-7929.430. For some of the laws generally governing
31 access to medical records and other health care information, see Sections 7926.000-7926.500; see
32 also Sections 7927.700 (personnel, medical, and similarly private files), 7929.600 (results of test
33 in DMV study of physical or mental factors affecting driving ability).

34 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
35 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
36 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
37 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
43 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
44 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
45 see Sections 7922.525 and 7922.530.

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 **§ 7929.420. Trade secrets**

2 7929.420. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
3 this division does not require disclosure of records of the State Compensation
4 Insurance Fund that are trade secrets pursuant to Section 6276.44, or Article 11
5 (commencing with Section 1060) of Chapter 4 of Division 8 of the Evidence Code,
6 including, without limitation, instructions, advice, or training provided by the State
7 Compensation Insurance Fund to its board members, officers, and employees
8 regarding the fund’s special investigation unit, internal audit unit, and informational
9 security, marketing, rating, pricing, underwriting, claims handling, audits, and
10 collections.

11 (b) Notwithstanding subdivision (a), the portions of records containing trade
12 secrets shall be available for review by the Joint Legislative Audit Committee,
13 California State Auditor’s Office, Division of Workers’ Compensation, and the
14 Department of Insurance to ensure compliance with applicable law.

15 **Comment.** Section 7929.420 continues former Section 6254(ad)(5) without substantive change.

16 For guidance on disclosure of other types of records of the State Compensation Insurance Fund,
17 see Sections 7929.400-7929.415, 7929.425, 7929.430. For some of the laws generally governing
18 access to medical records and other health care information, see Sections 7926.000-7926.500; see
19 also Sections 7927.700 (personnel, medical, and similarly private files), 7929.600 (results of test
20 in DMV study of physical or mental factors affecting driving ability). For other provisions on
21 access to trade secrets, see Sections 7924.305 (data submitted to Director of Pesticide Regulation
22 and designated as trade secret), 7924.510 (pollution information generally); see also Section
23 7920.545 (“trade secret”).

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
33 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
34 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
35 see Sections 7922.525 and 7922.530.

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 **§ 7929.425. Internal audits and related records**

40 7929.425. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
41 this division does not require disclosure of internal audits of the State Compensation
42 Insurance Fund containing proprietary information, or the following records of the
43 State Compensation Insurance Fund that are related to an internal audit:

44 (1) Personal papers and correspondence of any person providing assistance to the
45 fund when that person has requested in writing that the person’s papers and
46 correspondence be kept private and confidential. Those papers and correspondence

1 shall become public records if the written request is withdrawn, or upon order of the
2 fund.

3 (2) Papers, correspondence, memoranda, or any substantive information
4 pertaining to any audit not completed or an internal audit that contains proprietary
5 information.

6 (b) Notwithstanding subdivision (a), the portions of records containing
7 proprietary information, or any information specified in subdivision (a), shall be
8 available for review by the Joint Legislative Audit Committee, California State
9 Auditor’s Office, Division of Workers’ Compensation, and the Department of
10 Insurance to ensure compliance with applicable law.

11 **Comment.** Section 7929.425 continues former Section 6254(ad)(6) without substantive change.

12 For guidance on disclosure of other types of records of the State Compensation Insurance Fund,
13 see Sections 7929.400-7929.420, 7929.430. For some of the laws generally governing access to
14 medical records and other health care information, see Sections 7926.000-7926.500; see also
15 Sections 7927.700 (personnel, medical, and similarly private files), 7929.600 (results of test in
16 DMV study of physical or mental factors affecting driving ability). For guidance on access to an
17 agency contract requiring a private entity to review, audit, or report on that agency, see Section
18 7928.700.

19 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
20 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
21 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
22 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
28 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
29 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
30 see Sections 7922.525 and 7922.530.

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”), 7920.550 (“writing”).

35 **§ 7929.430. Contracts pursuant to chapter governing State Compensation Insurance Fund**

36 7929.430. (a) For purposes of this section, “fully executed” means the point in
37 time when all of the necessary parties to a contract have signed the contract.

38 (b) Except as provided in subdivision (d), records of the State Compensation
39 Insurance Fund that are contracts entered into pursuant to Chapter 4 (commencing
40 with Section 11770) of Part 3 of Division 2 of the Insurance Code shall be open to
41 inspection one year after the contract has been fully executed.

42 (c) If a contract entered into pursuant to Chapter 4 (commencing with Section
43 11770) of Part 3 of Division 2 of the Insurance Code is amended, the amendment
44 shall be open to inspection one year after the amendment has been fully executed.

1 (d) Three years after a contract or amendment is open to inspection pursuant to
2 this section, the portion of the contract or amendment containing the rates of
3 payment shall be open to inspection.

4 (e) Notwithstanding any other law, the entire contract or amendment to a contract
5 shall be open to inspection by the Joint Legislative Audit Committee. The
6 committee shall maintain the confidentiality of the contract or amendment thereto
7 until the contract or amendment is open to inspection pursuant to this section.

8 (f) This section does not apply to a document related to a contract with a public
9 entity that is not otherwise expressly confidential as to that public entity.

10 **Comment.** Section 7929.430 continues former Section 6254(ad)(7) without substantive change.
11 See Section 13 (singular includes plural and vice versa).

12 For guidance on disclosure of other types of records of the State Compensation Insurance Fund,
13 see Sections 7929.400-7929.425. For some of the laws generally governing access to medical
14 records and other health care information, see Sections 7926.000-7926.500; see also Sections
15 7927.700 (personnel, medical, and similarly private files), 7929.600 (results of test in DMV study
16 of physical or mental factors affecting driving ability).

17 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
18 types of public records, see the rest of this part (Sections 7923.600-7929.610); see also Sections
19 7922.000 (CPRA catch-all exemption), 7930.000-7930.215 (alphabetical list of many CPRA
20 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
26 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
27 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
28 see Sections 7922.525 and 7922.530.

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 19. TEST MATERIALS, TEST RESULTS, AND RELATED
33 MATTERS

34 **§ 7929.600. Results of test in DMV study of physical or mental factors affecting driving**
35 **ability**

36 7929.600. Nothing in this division requires the disclosure of the results of a test
37 undertaken pursuant to Section 12804.8 of the Vehicle Code.

38 **Comment.** Section 7929.600 continues former Section 6254.1(c) without substantive change.

39 For some of the laws generally governing access to medical records and other health care
40 information, see Sections 7926.000-7926.500; see also Sections 7927.700 (personnel, medical, and
41 similarly private files), 7929.400-7929.430 (records of State Compensation Insurance Fund).

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

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
4 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
5 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
6 see Sections 7922.525 and 7922.530.

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

10 **§ 7929.605. Materials used to administer licensing, employment, or academic examination**

11 7929.605. Except as provided in Sections 7924.510, 7924.700, and 7927.605, and
12 in Chapter 3 (commencing with Section 99150) of Part 65 of Division 14 of Title 3
13 of the Education Code, this division does not require disclosure of test questions,
14 scoring keys, and other examination data used to administer a licensing
15 examination, examination for employment, or academic examination.

16 **Comment.** Section 7929.605 continues former Section 6254(g) without substantive change.

17 For further guidance on disclosure of materials used to administer academic examinations, see
18 Section 7929.610 (disclosure of public school statewide test materials to legislative or executive
19 branch). For other special rules in the California Public Records Act ("CPRA") that apply to
20 specific types of public records, see Sections 7923.600-7929.600; see also Sections 7922.000
21 (CPRA catch-all 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
27 restrictions on an agency's ability to transfer a public record or otherwise relinquish control over
28 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
29 see Sections 7922.525 and 7922.530.

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 **§ 7929.610. Disclosure of public school statewide test materials to legislative or executive**
34 **branch**

35 7929.610. (a) Notwithstanding the provisions listed in Section 7920.505, upon the
36 request of any Member of the Legislature or upon request of the Governor or the
37 Governor's designee, test questions or materials that would be used to administer
38 an examination and are provided by the State Department of Education and
39 administered as part of a statewide testing program of pupils enrolled in the public
40 schools shall be disclosed to the requester.

41 (b) The questions or materials described in subdivision (a) may not include an
42 individual examination that has been administered to a pupil and scored.

43 (c) The requester may not take physical possession of the questions or materials
44 described in subdivision (a), but may view the questions or materials at a location
45 selected by the department.

1 (d) Upon viewing this information, the requester shall keep the materials that the
2 requester has seen confidential.

3 **Comment.** Section 7929.610 continues former Section 6254.13 without substantive change.

4 For additional guidance on disclosure of materials used to administer academic examinations,
5 see Section 7929.605.

6 For other special rules in the California Public Records Act (“CPRA”) that apply to specific
7 types of public records, see Sections 7923.600-7929.600; see also Sections 7922.000 (CPRA catch-
8 all 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
14 restrictions on an agency’s ability to transfer a public record or otherwise relinquish control over
15 its disclosure, see Sections 7921.005 and 7921.010. For inspection and copying of a public record,
16 see Sections 7922.525 and 7922.530.

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 **PART 6. OTHER EXEMPTIONS FROM**
21 **DISCLOSURE**

22 **CHAPTER 1. INTRODUCTORY PROVISIONS**

23 **§ 7930.000. Legislative intent and instructions**

24 7930.000. (a) It is the intent of the Legislature to assist members of the public and
25 state and local agencies in identifying exemptions to the California Public Records
26 Act. It is the intent of the Legislature that, after January 1, 1999, each addition or
27 amendment to a statute that exempts any information contained in a public record
28 from disclosure pursuant to Section 7927.705 shall be listed and described in
29 Chapter 2 (commencing with Section 7930.100) pursuant to a bill authorized by a
30 standing committee of the Legislature to be introduced during the first year of each
31 session of the Legislature.

32 (b) The statutes and constitutional provisions listed in Chapter 2 (commencing
33 with Section 7930.100) may operate to exempt certain records, or portions thereof,
34 from disclosure. The statutes and constitutional provisions listed and described may
35 not be inclusive of all exemptions. The listing of a statute or constitutional provision
36 in Chapter 2 (commencing with Section 7930.100) does not itself create an
37 exemption. Requesters of public records and public agencies are cautioned to review
38 the applicable statute or constitutional provision to determine the extent to which it,
39 in light of the circumstances surrounding the request, exempts public records from
40 disclosure.

41 **Comment.** Section 7930.000 continues former Section 6275 without substantive change.

42 For additional guidance on using the alphabetical index in the next chapter (Sections 7930.100-
43 7930.215), see Section 7930.005 (scope and effect of index). For special rules in the California

1 Public Records Act (“CPRA”) that apply to specific types of public records, see Sections 7923.600-
2 7929.600. For the CPRA catch-all exemption, see Section 7922.000.

3 See Sections 7920.505 (“local agency”), 7920.510 (“member of the public”), 7920.525 (“public
4 records”), 7920.535 (“state agency”).

5 **§ 7930.005. Scope and effect of index**

6 7930.005. Records or information not required to be disclosed pursuant to Section
7 7927.705 may include, but shall not be limited to, records or information identified
8 in statutes listed in Chapter 2 (commencing with Section 7930.100).

9 **Comment.** Section 7930.005 continues former Section 6276 without substantive change.

10 For additional guidance on using the alphabetical index in the next chapter (Sections 7930.100-
11 7930.215), see Section 7930.000 (legislative intent and instructions). For special rules in the
12 California Public Records Act (“CPRA”) that apply to specific types of public records, see Sections
13 7923.600-7929.600. For the CPRA catch-all exemption, see Section 7922.000.

14 CHAPTER 2. INDEX

15 **Note.** Existing Sections 6276.01-6276.48 comprise an alphabetical list of CPRA exemptions
16 located throughout the codes. This chapter (proposed Sections 7930.100-7930.215) would recodify
17 that list in the same alphabetical format.

18 Would some other format be more user-friendly? For example, would it be preferable to group
19 the exemptions by subject matter, as in the partial redraft attached to CLRC Staff Memorandum
20 2019-25 (available at <http://www.clrc.ca.gov/pub/2019/MM19-25.pdf>)? Is there a better
21 possibility?

22 For further discussion of this organizational issue, see CLRC Staff Memorandum 2019-25, pp.
23 1-9.

24 **The Commission welcomes input on any aspect of its proposed recodification, but it would
25 especially appreciate public comment on this matter.**

26 **§ 7930.100. Constitutionally-based exemptions**

27 7930.100. The following constitutional provisions may operate to exempt certain
28 records, or portions thereof, from disclosure pursuant to this division:

29 Crime victims, confidential information or records, The Victims’ Bill of Rights
30 Act of 2008: Marsy’s Law, Section 28 of Article I of the California Constitution.

31 Privacy, inalienable right, Section 1 of Article I of the California Constitution.

32 **Comment.** Section 7930.100 continues former Section 6276.01 and includes a reference to the
33 constitutional right of privacy, which is fundamental in this context (see Section 7921.000). That
34 addition is not a substantive change. The index in this chapter is just a user guide, not substantive
35 law.

36 For the source of the introductory clause, see the third sentence of former Section 6275 (“The
37 statutes and constitutional provisions listed in this article may operate to exempt certain records, or
38 portions thereof, from disclosure.”). That sentence is continued without substantive change in
39 Section 7930.000 and essentially repeated in each section in this chapter.

40 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
41 7930.005 (scope and effect of index). For special rules in the California Public Records Act
42 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
43 CPRA catch-all exemption, see Section 7922.000.

1 **§ 7930.105. From “Acquired Immune Deficiency Syndrome” to “Advance Health Care**
2 **Directive Registry”**

3 7930.105. The following provisions may operate to exempt certain records, or
4 portions thereof, from disclosure pursuant to this division:

5 Acquired Immune Deficiency Syndrome, blood test results, written authorization
6 not necessary for disclosure, Section 121010, Health and Safety Code.

7 Acquired Immune Deficiency Syndrome, blood test subject, compelling identity
8 of, Section 120975, Health and Safety Code.

9 Acquired Immune Deficiency Syndrome, confidentiality of personal data of
10 patients in State Department of Public Health programs, Section 120820, Health and
11 Safety Code.

12 Acquired Immune Deficiency Syndrome, confidentiality of research records,
13 Sections 121090, 121095, 121115, and 121120, Health and Safety Code.

14 Acquired Immune Deficiency Syndrome, confidentiality of vaccine volunteers,
15 Section 121280, Health and Safety Code.

16 Acquired Immune Deficiency Syndrome, confidentiality of information obtained
17 in prevention programs at correctional facilities and law enforcement agencies,
18 Sections 7552 and 7554, Penal Code.

19 Acquired Immune Deficiency Syndrome, disclosure of results of HIV test,
20 penalties, Section 120980, Health and Safety Code.

21 Acquired Immune Deficiency Syndrome, personal information, insurers tests,
22 confidentiality of, Section 799, Insurance Code.

23 Acquired Immune Deficiency Syndrome, public safety and testing disclosure,
24 Sections 121065 and 121070, Health and Safety Code.

25 Acquired Immune Deficiency Syndrome Research and Confidentiality Act,
26 production or discovery of records for use in criminal or civil proceedings against
27 subject prohibited, Section 121100, Health and Safety Code.

28 Acquired Immune Deficiency Syndrome Public Health Records Confidentiality
29 Act, personally identifying information confidentiality, Section 121025, Health and
30 Safety Code.

31 Acquired Immune Deficiency Syndrome, test of criminal defendant pursuant to
32 search warrant requested by victim, confidentiality of, Section 1524.1, Penal Code.

33 Acquired Immune Deficiency Syndrome, test results, disclosure to patient’s
34 spouse and others, Section 121015, Health and Safety Code.

35 Acquired Immune Deficiency Syndrome, test of person under Youth Authority,
36 disclosure of results, Section 1768.9, Welfare and Institutions Code.

37 Acquired Immune Deficiency Syndrome Research and Confidentiality Act,
38 financial audits or program evaluations, Section 121085, Health and Safety Code.

39 Acquired Immune Deficiency Syndrome Research and Confidentiality Act,
40 violations, Section 121100, Health and Safety Code.

41 Acquired Immune Deficiency Syndrome Research and Confidentiality Act,
42 personally identifying research records not to be disclosed, Section 121075, Health
43 and Safety Code.

1 Acquired Immune Deficiency Syndrome Research and Confidentiality Act,
2 permittee disclosure, Section 121080, Health and Safety Code.

3 Administrative procedure, adjudicatory hearings, interpreters, Section 11513.

4 Adoption records, confidentiality of, Section 102730, Health and Safety Code.

5 Advance Health Care Directive Registry, exemption from disclosure for
6 registration information provided to the Secretary of State, Section 7926.100.

7 **Comment.** Section 7930.105 continues former Section 6276.02 without substantive change. For
8 the source of the introductory clause, see the third sentence of former Section 6275 (“The statutes
9 and constitutional provisions listed in this article may operate to exempt certain records, or portions
10 thereof, from disclosure.”). That sentence is continued without substantive change in Section
11 7930.000 and essentially repeated in each section in this chapter.

12 Former Section 6276.02 included an entry for: “Acquired Immune Deficiency Syndrome,
13 confidentiality of test results of person convicted of prostitution, Section 1202.6, Penal Code.” That
14 entry is not included in Section 7930.105 because it is obsolete. Penal Code Section 1202.6 was
15 repealed and added in 2017, and the new provision has nothing to do with confidentiality of AIDS
16 test results. See 2017 Cal. Stat. ch. 537, § 17.

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 6276.02 includes an entry for: “Acquired Immune Deficiency Syndrome,
22 confidentiality of test results of person convicted of prostitution, Section 1202.6, Penal Code.”
23 However, Penal Code Section 1202.6 was recently repealed and added, and the new provision has
24 nothing to do with confidentiality of AIDS test results. See 2017 Cal. Stat. ch. 537, § 17.

25 The Commission is not aware of any new provision that continues the substance of the repealed
26 section. Thus, (1) proposed Section 7930.105 would not include the entry quoted above, and (2)
27 the accompanying Comment would explain this omission.

28 This drafting approach does not pose any risk of a substantive change, because the list of
29 exemptions in this chapter is just an aid for CPRA users (not substantive law) and it does not purport
30 to be exhaustive. See proposed Sections 7930.000 and 7930.005 (existing Sections 6275 and 6276).

31 If there is a replacement for former Penal Code Section 1202.6 (1996 Cal. Stat. 1023, § 392),
32 however, it would be helpful to list it in proposed Section 7930.005. Does such a replacement exist?

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

35 **§ 7930.110. From “Aeronautics Act” to “Avocado handler transaction records”**

36 7930.110. The following provisions may operate to exempt certain records, or
37 portions thereof, from disclosure pursuant to this division:

38 Aeronautics Act, reports of investigations and hearings, Section 21693, Public
39 Utilities Code.

40 Agricultural producers marketing, access to records, Section 59616, Food and
41 Agricultural Code.

42 Aiding disabled voters, Section 14282, Elections Code.

43 Air pollution data, confidentiality of trade secrets, Section 6254.7, and Sections
44 42303.2 and 43206, Health and Safety Code.

45 Air toxics emissions inventory plans, protection of trade secrets, Section 44346,
46 Health and Safety Code.

1 Alcohol and drug abuse records and records of communicable diseases,
2 confidentiality of, Section 123125, Health and Safety Code.

3 Alcoholic beverage licensees, confidentiality of corporate proprietary
4 information, Section 25205, Business and Professions Code.

5 Ambulatory Surgery Data Record, confidentiality of identifying information,
6 Section 128737, Health and Safety Code.

7 Apiary registration information, confidentiality of, Section 29041, Food and
8 Agricultural Code.

9 Archaeological site information and reports maintained by state and local
10 agencies, disclosure not required, Section 6254.10.

11 Arrest not resulting in conviction, disclosure or use of records, Sections 432.7 and
12 432.8, Labor Code.

13 Arsonists, registered, confidentiality of certain information, Section 457.1, Penal
14 Code.

15 Artificial insemination, donor not natural father, confidentiality of records,
16 Section 7613, Family Code.

17 Assessor's records, confidentiality of information in, Section 408, Revenue and
18 Taxation Code.

19 Assessor's records, confidentiality of information in, Section 451, Revenue and
20 Taxation Code.

21 Assessor's records, display of documents relating to business affairs or property
22 of another, Section 408.2, Revenue and Taxation Code.

23 Assigned risk plans, rejected applicants, confidentiality of information, Section
24 11624, Insurance Code.

25 Attorney applicant, investigation by State Bar, confidentiality of, Section 6060.2,
26 Business and Professions Code.

27 Attorney applicant, information submitted by applicant and State Bar admission
28 records, confidentiality of, Section 6060.25, Business and Professions Code.

29 Attorney-client confidential communication, Section 6068, Business and
30 Professions Code, and Sections 952 and 954, Evidence Code.

31 Attorney, disciplinary proceedings, confidentiality prior to formal proceedings,
32 Section 6086.1, Business and Professions Code.

33 Attorney, disciplinary proceeding, State Bar access to nonpublic court records,
34 Section 6090.6, Business and Professions Code.

35 Attorney, law corporation, investigation by State Bar, confidentiality of, Section
36 6168, Business and Professions Code.

37 Attorney work product confidentiality in administrative adjudication, Section
38 11507.6.

39 Attorney, work product, confidentiality of, Section 6202, Business and
40 Professions Code.

41 Attorney work product, discovery, Chapter 4 (commencing with Section
42 2018.010) of Title 4 of Part 4 of the Code of Civil Procedure.

1 Automated forward facing parking control devices, confidentiality of video
2 imaging records from the devices, Section 40240, Vehicle Code.

3 Automated traffic enforcement system, confidentiality of photographic records
4 made by the system, Section 21455.5, Vehicle Code.

5 Automobile Insurance Claims Depository, confidentiality of information, Section
6 1876.3, Insurance Code.

7 Automobile insurance, investigation of fraudulent claims, confidential
8 information, Section 1872.8, Insurance Code.

9 Avocado handler transaction records, confidentiality of information, Section
10 44984, Food and Agricultural Code.

11 **Comment.** Section 7930.110 continues former Section 6276.04 without substantive change. For
12 the source of the introductory clause, see the third sentence of former Section 6275 (“The statutes
13 and constitutional provisions listed in this article may operate to exempt certain records, or portions
14 thereof, from disclosure.”). That sentence is continued without substantive change in Section
15 7930.000 and essentially repeated in each section in this chapter.

16 Former Section 6276.04 included an entry for: “Auditor General, access to records for audit
17 purposes, Sections 10527 and 10527.1.” Former Section 6276.04 also included an entry for:
18 “Auditor General, disclosure of audit records, Section 10525.” Those entries are not included in
19 Section 7930.110 because they are obsolete. Sections 10525, 10527, and 10527.1 have been
20 repealed. See 2011 Cal. Stat. ch. 328, § 12.

21 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
22 7930.005 (scope and effect of index). For special rules in the California Public Records Act
23 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
24 CPRA catch-all exemption, see Section 7922.000.

25 **Note.** Section 6276.04 includes an entry for: “Auditor General, access to records for audit purposes,
26 Sections 10527 and 10527.1.” Section 6276.04 also includes an entry for: “Auditor General,
27 disclosure of audit records, Section 10525.” However, Sections 10525, 10527, and 10527.1 have
28 been repealed. See 2011 Cal. Stat. ch. 328, § 12.

29 The Commission is not aware of any new provision that continues the substance of any of the
30 repealed sections. Thus, (1) proposed Section 7930.110 would not include the entries quoted above,
31 and (2) the accompanying Comment would explain this omission.

32 This drafting approach does not pose any risk of a substantive change, because the list of
33 exemptions in this chapter is just an aid for CPRA users (not substantive law) and it does not purport
34 to be exhaustive. See proposed Sections 7930.000 and 7930.005 (existing Sections 6275 and 6276).

35 If there is a replacement for former Section 10525, 10527, or 10527.1, however, it would be
36 helpful to list it in proposed Section 7930.110. Does any such replacement exist?

37 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
38 **especially appreciate public comment on this matter.**

39 **§ 7930.115. From “Bank and Corporation Tax” to “Business and professions licensee**
40 **exemption for social security number”**

41 7930.115. The following provisions may operate to exempt certain records, or
42 portions thereof, from disclosure pursuant to this division:

43 Bank and Corporation Tax, disclosure of information, Article 2 (commencing
44 with Section 19542), Chapter 7, Part 10.2, Division 2, Revenue and Taxation Code.

45 Bank employees, confidentiality of criminal history information, Section 4990,
46 Financial Code.

47 Bank reports, confidentiality of, Section 459, Financial Code.

1 Basic Property Insurance Inspection and Placement Plan, confidential reports,
2 Section 10097, Insurance Code.

3 Beef Council of California, confidentiality of fee transactions information,
4 Section 64691.1, Food and Agricultural Code.

5 Bids, confidentiality of, Section 10304, Public Contract Code.

6 Birth, death, and marriage licenses, confidential information contained in,
7 Sections 102100, 102110, and 102230, Health and Safety Code.

8 Birth defects, monitoring, confidentiality of information collected, Section
9 103850, Health and Safety Code.

10 Birth, live, confidential portion of certificate, Sections 102430, 102475, 103525,
11 and 103590, Health and Safety Code.

12 Blood tests, confidentiality of hepatitis and AIDS carriers, Section 1603.1, Health
13 and Safety Code.

14 Blood-alcohol percentage test results, vehicular offenses, confidentiality of,
15 Section 1804, Vehicle Code.

16 Business and professions licensee exemption for social security number, Section
17 30, Business and Professions Code.

18 **Comment.** Section 7930.115 continues former Section 6276.06 without substantive change. For
19 the source of the introductory clause, see the third sentence of former Section 6275 (“The statutes
20 and constitutional provisions listed in this article may operate to exempt certain records, or portions
21 thereof, from disclosure.”). That sentence is continued without substantive change in Section
22 7930.000 and essentially repeated in each section in this chapter.

23 Former Section 6276.06 included an entry for: “Bank employees, confidentiality of criminal
24 history information, Sections 777.5 and 4990, Financial Code.” That entry has been revised to refer
25 only to Financial Code Section 4990. The reference to Financial Code Section 777.5 is obsolete
26 because that section has been repealed. See 2008 Cal. Stat. ch. 125, § 53.

27 Former Section 6276.06 also included an entry for: “Bank reports, confidentiality of, Section
28 289, Financial Code.” That entry has been revised because Financial Code Section 289 was
29 repealed and its substance moved to Financial Code Section 459. See 2011 Cal. Stat. ch. 243, § 1;
30 *compare* 2008 Cal. Stat. ch. 501, § 9 *with* Fin. Code § 459. Section 7930.115 thus refers to Financial
31 Code Section 459, instead of Financial Code Section 289.

32 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
33 7930.005 (scope and effect of index). For the CPRA catch-all exemption, see Section 7922.000.

34 **Notes.**

35 (1) Section 6276.06 includes an entry for: “Bank employees, confidentiality of criminal history
36 information, Sections 777.5 and 4990, Financial Code.” However, Financial Code Section 777.5
37 has been repealed. See 2008 Cal. Stat. ch. 125, § 53.

38 The Commission is not aware of any new provision that continues the substance of the repealed
39 section. Thus, proposed Section 7930.115 would include the entry quoted above, but it would only
40 refer to Financial Code Section 4990. The accompanying Comment would explain the omission of
41 Financial Code Section 777.5.

42 This drafting approach does not pose any risk of a substantive change, because the list of
43 exemptions in this chapter is just an aid for CPRA users (not substantive law) and it does not purport
44 to be exhaustive. See proposed Sections 7930.000 and 7930.005 (existing Sections 6275 and 6276).

45 If there is a replacement for former Section 777.5, however, it would be helpful to list it in
46 proposed Section 7930.115. Does any such replacement exist?

1 (2) Section 6276.06 also includes an entry for: “Bank reports, confidentiality of, Section 289,
2 Financial Code.” However, Financial Code Section 289 has been repealed (see 2011 Cal. Stat. ch.
3 243, § 1). Its substance has been moved to Financial Code Section 459 (*compare* 2008 Cal. Stat.
4 ch. 501, § 9 *with* Fin. Code § 459). Accordingly, proposed Section 7930.115 would refer to
5 Financial Code Section 459, instead of Financial Code Section 289.

6 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
7 **especially appreciate public comment on these matters.**

8 **§ 7930.120. From “Cable television subscriber information” to “California Wine Grape**
9 **Commission”**

10 7930.120. The following provisions may operate to exempt certain records, or
11 portions thereof, from disclosure pursuant to this division:

12 Cable television subscriber information, confidentiality of, Section 637.5, Penal
13 Code.

14 CalFresh, disclosure of information, Section 18909, Welfare and Institutions
15 Code.

16 California AIDS Program, personal data, confidentiality, Section 120820, Health
17 and Safety Code.

18 California Apple Commission, confidentiality of lists of persons, Section 75598,
19 Food and Agricultural Code.

20 California Apple Commission, confidentiality of proprietary information from
21 producers or handlers, Section 75633, Food and Agricultural Code.

22 California Asparagus Commission, confidentiality of lists of producers, Section
23 78262, Food and Agricultural Code.

24 California Asparagus Commission, confidentiality of proprietary information
25 from producers, Section 78288, Food and Agricultural Code.

26 California Avocado Commission, confidentiality of information from handlers,
27 Section 67094, Food and Agricultural Code.

28 California Avocado Commission, confidentiality of proprietary information from
29 handlers, Section 67104, Food and Agricultural Code.

30 California Cherry Commission, confidentiality of proprietary information from
31 producers, processors, shippers, or grower-handlers, Section 76144, Food and
32 Agricultural Code.

33 California Children’s Services Program, confidentiality of factor replacement
34 therapy contracts, Section 123853, Health and Safety Code.

35 California Cut Flower Commission, confidentiality of lists of producers, Section
36 77963, Food and Agricultural Code.

37 California Cut Flower Commission, confidentiality of proprietary information
38 from producers, Section 77988, Food and Agricultural Code.

39 California Date Commission, confidentiality of proprietary information from
40 producers and grower-handlers, Section 77843, Food and Agricultural Code.

41 California Egg Commission, confidentiality of proprietary information from
42 handlers or distributors, Section 75134, Food and Agricultural Code.

1 California Forest Products Commission, confidentiality of lists of persons,
2 Section 77589, Food and Agricultural Code.

3 California Forest Products Commission, confidentiality of proprietary
4 information from producers, Section 77624, Food and Agricultural Code.

5 California Iceberg Lettuce Commission, confidentiality of information from
6 handlers, Section 66624, Food and Agricultural Code.

7 California Kiwifruit Commission, confidentiality of proprietary information from
8 producers or handlers, Section 68104, Food and Agricultural Code.

9 California Navel Orange Commission, confidentiality of proprietary information
10 from producers or handlers and lists of producers and handlers, Section 73257, Food
11 and Agricultural Code.

12 California Pepper Commission, confidentiality of lists of producers and handlers,
13 Section 77298, Food and Agricultural Code.

14 California Pepper Commission, confidentiality of proprietary information from
15 producers or handlers, Section 77334, Food and Agricultural Code.

16 California Pistachio Commission, confidentiality of proprietary information from
17 producers or processors, Section 69045, Food and Agricultural Code.

18 California Salmon Commission, confidentiality of fee transactions records,
19 Section 76901.5, Food and Agricultural Code.

20 California Salmon Commission, confidentiality of request for list of commercial
21 salmon vessel operators, Section 76950, Food and Agricultural Code.

22 California Seafood Council, confidentiality of fee transaction records, Section
23 78553, Food and Agricultural Code.

24 California Seafood Council, confidentiality of information on volume of fish
25 landed, Section 78575, Food and Agricultural Code.

26 California Sheep Commission, confidentiality of proprietary information from
27 producers or handlers and lists of producers, Section 76343, Food and Agricultural
28 Code.

29 California State University contract law, bids, questionnaires and financial
30 statements, Section 10763, Public Contract Code.

31 California State University Investigation of Reported Improper Governmental
32 Activities Act, confidentiality of investigative audits completed pursuant to the act,
33 Section 89574, Education Code.

34 California Table Grape Commission, confidentiality of information from
35 shippers, Section 65603, Food and Agricultural Code.

36 California Tomato Commission, confidentiality of lists of producers, handlers,
37 and others, Section 78679, Food and Agricultural Code.

38 California Tomato Commission, confidentiality of proprietary information,
39 Section 78704, Food and Agricultural Code.

40 California Tourism Marketing Act, confidentiality of information pertaining to
41 businesses paying the assessment under the act, Section 13995.54.

1 California Victim Compensation Board, disclosure not required of records
2 relating to assistance requests under Article 1 (commencing with Section 13950) of
3 Chapter 5 of Part 4 of Division 3 of Title 2, Section 6254.17.

4 California Walnut Commission, confidentiality of lists of producers, Section
5 77101, Food and Agricultural Code.

6 California Walnut Commission, confidentiality of proprietary information from
7 producers or handlers, Section 77154, Food and Agricultural Code.

8 California Wheat Commission, confidentiality of proprietary information from
9 handlers and lists of producers, Section 72104, Food and Agricultural Code.

10 California Wheat Commission, confidentiality of requests for assessment refund,
11 Section 72109, Food and Agricultural Code.

12 California Wine Commission, confidentiality of proprietary information from
13 producers or vintners, Section 74655, Food and Agricultural Code.

14 California Wine Grape Commission, confidentiality of proprietary information
15 from producers and vintners, Section 74955, Food and Agricultural Code.

16 **Comment.** Section 7930.120 continues former Section 6276.08 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 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
22 7930.005 (scope and effect of index). For special rules in the California Public Records Act
23 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
24 CPRA catch-all exemption, see Section 7922.000.

25 **§ 7930.125. From “Cancer registries” to “Community college employee”**

26 7930.125. The following provisions may operate to exempt certain records, or
27 portions thereof, from disclosure pursuant to this division:

28 Cancer registries, confidentiality of information, Section 103885, Health and
29 Safety Code.

30 Candidate for local nonpartisan elective office, confidentiality of ballot statement,
31 Section 13311, Elections Code.

32 Child abuse information, exchange by multidisciplinary personnel teams, Section
33 830, Welfare and Institutions Code.

34 Child abuse report and those making report, confidentiality of, Sections 11167
35 and 11167.5, Penal Code.

36 Child care liability insurance, confidentiality of information, Section 1864,
37 Insurance Code.

38 Child concealer, confidentiality of address, Section 278.7, Penal Code.

39 Child custody investigation report, confidentiality of, Section 3111, Family Code.

40 Child day care facility, nondisclosure of complaint, Section 1596.853, Health and
41 Safety Code.

42 Child health and disability prevention, confidentiality of health screening and
43 evaluation results, Section 124110, Health and Safety Code.

1 Child sexual abuse reports, confidentiality of reports filed in a contested
2 proceeding involving child custody or visitation rights, Section 3118, Family Code.

3 Child support, confidentiality of income tax return, Section 3552, Family Code.

4 Child support, promise to pay, confidentiality of, Section 7614, Family Code.

5 Childhood lead poisoning prevention, confidentiality of blood lead findings,
6 Section 124130, Health and Safety Code.

7 Children and families commission, local, confidentiality of individually
8 identifiable information, Section 130140.1, Health and Safety Code.

9 Cigarette tax, confidential information, Section 30455, Revenue and Taxation
10 Code.

11 Civil actions, delayed disclosure for 30 days after complaint filed, Section
12 482.050, Code of Civil Procedure.

13 Closed sessions, document assessing vulnerability of state or local agency to
14 disruption by terrorist or other criminal acts, Section 7929.200.

15 Closed sessions, meetings of local governments, pending litigation, Section
16 54956.9.

17 Colorado River Board, confidential information and records, Section 12519,
18 Water Code.

19 Commercial fishing licensee, confidentiality of records, Section 7923, Fish and
20 Game Code.

21 Commercial fishing reports, Section 8022, Fish and Game Code.

22 Community care facilities, confidentiality of client information, Section 1557.5,
23 Health and Safety Code.

24 Community college employee, candidate examination records, confidentiality of,
25 Section 88093, Education Code.

26 Community college employee, notice and reasons for nonreemployment,
27 confidentiality, Section 87740, Education Code.

28 **Comment.** Section 7930.125 continues former Section 6276.10 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 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.** Section 6276.10 includes an entry for: “Community care facilities, confidentiality of client
38 information, Section 1557.5, Health and Safety Code.” There are two, almost identical versions of
39 Section 1557.5 in the Health and Safety Code. Because the two sections are almost identical, it is
40 not necessary to differentiate between them. Like existing Section 6276.10, proposed Section
41 7930.125 would simply refer to “Section 1557.5, Health and Safety Code.”

42 **§ 7930.130. From “Conservatee” to “Customer list of telephone answering service”**

43 7930.130. The following provisions may operate to exempt certain records, or
44 portions thereof, from disclosure pursuant to this division:

1 Conservatee, confidentiality of the conservatee's report, Section 1826, Probate
2 Code.

3 Conservatee, estate plan of, confidentiality of, Section 2586, Probate Code.

4 Conservatee with disability, confidentiality of report, Section 1827.5, Probate
5 Code.

6 Conservator, confidentiality of conservator's birthdate and driver's license
7 number, Section 1834, Probate Code.

8 Conservator, supplemental information, confidentiality of, Section 1821, Probate
9 Code.

10 Conservatorship, court review of, confidentiality of report, Section 1851, Probate
11 Code.

12 Consumer fraud investigations, access to complaints and investigations, Section
13 26509.

14 Consumption or utilization of mineral materials, disclosure of, Section 2207.1,
15 Public Resources Code.

16 Contractor, evaluations and contractor responses, confidentiality of, Section
17 10370, Public Contract Code.

18 Controlled Substance Law violations, confidential information, Section 818.7.

19 Controlled substance offenders, confidentiality of registration information,
20 Section 11594, Health and Safety Code.

21 Cooperative Marketing Association, confidential information disclosed to
22 conciliator, Section 54453, Food and Agricultural Code.

23 Coroner, inquests, subpoena duces tecum, Section 27491.8.

24 County aid and relief to indigents, confidentiality of investigation, supervision,
25 relief, and rehabilitation records, Section 17006, Welfare and Institutions Code.

26 County alcohol programs, confidential information and records, Section 11812,
27 Health and Safety Code.

28 County Employees' Retirement, confidential statements and records, Section
29 31532.

30 County mental health system, confidentiality of client information, Section 5610,
31 Welfare and Institutions Code.

32 County social services, investigation of applicant, confidentiality, Section 18491,
33 Welfare and Institutions Code.

34 County social services rendered by volunteers, confidentiality of records of
35 recipients, Section 10810, Welfare and Institutions Code.

36 County special commissions, disclosure of health care peer review and quality
37 assessment records not required, Section 14087.58, Welfare and Institutions Code.

38 County special commissions, disclosure of records relating to the commission's
39 rates of payment for publicly assisted medical care not required, Section 14087.58,
40 Welfare and Institutions Code.

41 Court files, access to, restricted for 60 days, Section 1161.2, Code of Civil
42 Procedure.

43 Court files, access to, restricted for 60 days, Section 1708.85, Civil Code.

1 Court reporters, confidentiality of records and reporters, Section 68525.

2 Court-appointed special advocates, confidentiality of information acquired or
3 reviewed, Section 105, Welfare and Institutions Code.

4 Crane employers, previous business identities, confidentiality of, Section 7383,
5 Labor Code.

6 Credit unions, confidentiality of investigation and examination reports, Section
7 14257, Financial Code.

8 Credit unions, confidentiality of employee criminal history information, Section
9 14409.2, Financial Code.

10 Criminal defendant, indigent, confidentiality of request for funds for investigators
11 and experts, Section 987.9, Penal Code.

12 Criminal offender record information, access to, Sections 11076 and 13202, Penal
13 Code.

14 Crop reports, confidential, Section 7927.300.

15 Customer list of chemical manufacturers, formulators, suppliers, distributors,
16 importers, and their agents, the quantities and dates of shipments, and the proportion
17 of a specified chemical within a mixture, confidential, Section 147.2, Labor Code.

18 Customer list of employment agency, trade secret, Section 16607, Business and
19 Professions Code.

20 Customer list of telephone answering service, trade secret, Section 16606,
21 Business and Professions Code.

22 **Comment.** Section 7930.130 continues former Section 6276.12 without substantive change. For
23 the source of the introductory clause, see the third sentence of former Section 6275 (“The statutes
24 and constitutional provisions listed in this article may operate to exempt certain records, or portions
25 thereof, from disclosure.”). That sentence is continued without substantive change in Section
26 7930.000 and essentially repeated in each section in this chapter.

27 Former Section 6276.12 included an entry for: “Contractor, license applicants, evidence of
28 financial solvency, confidentiality of, Section 7067.5, Business and Professions Code.” That entry
29 is not included in Section 7930.130 because it is obsolete. Business and Professions Code Section
30 7067.5 has been repealed. See 2015 Cal. Stat. ch. 656, § 8.

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.** Section 6276.12 includes an entry for: “Contractor, license applicants, evidence of financial
36 solvency, confidentiality of, Section 7067.5, Business and Professions Code.” However, Business
37 and Professions Code Section 7067.5 has been repealed. See 2015 Cal. Stat. ch. 656, § 8.

38 There does not appear to be any replacement; former Section 7067.5’s requirement to submit
39 evidence of financial solvency seems to have been eliminated in the bill that repealed the section
40 and increased the amount of the required bond. Thus, (1) proposed Section 7930.130 would not
41 include the entry quoted above, and (2) the accompanying Comment would explain this omission.

42 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
43 **especially appreciate public comment on this matter.**

1 **§ 7930.135. From “Dairy Council of California” to “Driving school and driving instructor**
2 **licensee records”**

3 7930.135. The following provisions may operate to exempt certain records, or
4 portions thereof, from disclosure pursuant to this division:

5 Dairy Council of California, confidentiality of ballots, Section 64155, Food and
6 Agricultural Code.

7 Death, report that physician’s or podiatrist’s negligence or incompetence may be
8 cause, confidentiality of, Section 802.5, Business and Professions Code.

9 Dental hygienist drug and alcohol diversion program, confidentiality of records
10 pertaining to treatment, Section 1966.5, Business and Professions Code.

11 Dentist advertising and referral contract exemption, Section 650.2, Business and
12 Professions Code.

13 Dentist, alcohol or dangerous drug rehabilitation and diversion, confidentiality of
14 records, Section 1698, Business and Professions Code.

15 Department of Consumer Affairs licensee exemption for alcohol or dangerous
16 drug treatment and rehabilitation records, Section 156.1, Business and Professions
17 Code.

18 Department of Human Resources, confidentiality of pay data furnished to, Section
19 19826.5.

20 Department of Motor Vehicles, confidentiality of information provided by an
21 insurer, Section 4750.4, Vehicle Code.

22 Department of Motor Vehicles, confidentiality of the home address of specified
23 persons in the records of the Department of Motor Vehicles, Section 1808.6, Vehicle
24 Code.

25 Developmentally disabled conservatee, confidentiality of reports and records,
26 Sections 416.8 and 416.18, Health and Safety Code.

27 Developmentally disabled person, access to information provided by family
28 member, Section 4727, Welfare and Institutions Code.

29 Developmentally disabled person and person with mental illness, access to and
30 release of information about, by protection and advocacy agency, Section 4903,
31 Welfare and Institutions Code.

32 Developmentally disabled person, confidentiality of patient records, state
33 agencies, Section 4552.5, Welfare and Institutions Code.

34 Developmentally disabled person, confidentiality of records and information,
35 Sections 4514 and 4518, Welfare and Institutions Code.

36 Diesel Fuel Tax information, disclosure prohibited, Section 60609, Revenue and
37 Taxation Code.

38 Disability compensation, confidential medical records, Section 2714,
39 Unemployment Insurance Code.

40 Disability insurance, access to registered information, Section 789.7, Insurance
41 Code.

42 Discrimination complaint to Division of Labor Standards Enforcement,
43 confidentiality of witnesses, Section 98.7, Labor Code.

1 Dispute resolution participants confidentiality, Section 471.5, Business and
2 Professions Code.

3 Division of Workers' Compensation, confidentiality of data obtained by the
4 administrative director and derivative works created by the division, Sections
5 3201.5, 3201.7, and 3201.9, Labor Code.

6 Division of Workers' Compensation, individually identifiable information and
7 residence addresses obtained or maintained by the division on workers'
8 compensation claims, confidentiality of, Section 138.7, Labor Code.

9 Division of Workers' Compensation, individually identifiable information of
10 health care organization patients, confidentiality of, Section 4600.5, Labor Code.

11 Division of Workers' Compensation, individual workers' compensation claim
12 files and auditor's working papers, confidentiality of, Section 129, Labor Code.

13 Division of Workers' Compensation, peer review proceedings and employee
14 medical records, confidentiality of, Section 4600.6, Labor Code.

15 Domestic violence counselor and victim, confidentiality of communication,
16 Sections 1037.2 and 1037.5, Evidence Code.

17 Driver arrested for traffic violation, notice of reexamination for evidence of
18 incapacity, confidentiality of, Section 40313, Vehicle Code.

19 Driving school and driving instructor licensee records, confidentiality of, Section
20 11108, Vehicle Code.

21 **Comment.** Section 7930.135 continues former Section 6276.14 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 Former Section 6276.14 included an entry for: "Developmentally disabled person,
27 confidentiality of patient records, state agencies, Section 4553, Welfare and Institutions Code."
28 That entry has been revised because Welfare and Institutions Code Section 4553 was repealed in
29 2002 and replaced by a new provision that has nothing to do with record disclosure (see 2002 Cal.
30 Stat. ch. 676, § 21). The substance of the repealed provision was moved to Welfare and Institutions
31 Code Section 4552.5 (*compare* 1977 Cal. Stat. ch. 1252, § 550 *with* Welf. & Inst. Code § 4552.5).
32 Section 7930.135 thus refers to Welfare and Institutions Code Section 4552.5, instead of Welfare
33 and Institutions Code Section 4553.

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.** Section 6276.14 includes an entry for: "Developmentally disabled person, confidentiality of
39 patient records, state agencies, Section 4553, Welfare and Institutions Code." However, Welfare
40 and Institutions Code Section 4553 has been repealed and replaced by a new provision that has
41 nothing to do with record disclosure. See 2002 Cal. Stat. ch. 676, § 21.

42 The substance of the repealed provision has been moved to Welfare and Institutions Code
43 Section 4552.5. *Compare* 1977 Cal. Stat. ch. 1252, § 550 *with* Welf. & Inst. Code § 4552.5.
44 Accordingly, proposed Section 7930.135 would refer to Welfare and Institutions Code Section
45 4552.5, instead of Welfare and Institutions Code Section 4553.

46 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
47 **especially appreciate public comment on this matter.**

1 **§ 7930.140. From “Educational psychologist-patient” to “Executive Department”**

2 7930.140. The following provisions may operate to exempt certain records, or
3 portions thereof, from disclosure pursuant to this division:

4 Educational psychologist-patient, privileged communication, Section 1010.5,
5 Evidence Code.

6 Electronic and appliance repair dealer, service contractor, financial data in
7 applications, Section 7925.010.

8 Electronic Recording Delivery Act of 2004, exemption from disclosure for
9 computer security reports, Section 27394.

10 Emergency Care Data Record, exemption from disclosure for identifying
11 information, Section 128736, Health and Safety Code.

12 Emergency Medical Services Fund, patient named, Section 1797.98c, Health and
13 Safety Code.

14 Emergency medical technicians, confidentiality of disciplinary investigation
15 information, Section 1798.200, Health and Safety Code.

16 Emergency Medical Technician-Paramedic (EMT-P), exemption from disclosure
17 for records relating to personnel actions against, or resignation of, an EMT-P for
18 disciplinary cause or reason, Section 1799.112, Health and Safety Code.

19 Eminent domain proceedings, use of state tax returns, Section 1263.520, Code of
20 Civil Procedure.

21 Employment agency, confidentiality of customer list, Section 16607, Business
22 and Professions Code.

23 Employment application, nondisclosure of arrest record or certain convictions,
24 Sections 432.7 and 432.8, Labor Code.

25 Employment Development Department, furnishing materials, Section 307,
26 Unemployment Insurance Code.

27 Enteral nutrition products, confidentiality of contracts by the State Department of
28 Health Care Services with manufacturers of enteral nutrition products, Section
29 14105.8, Welfare and Institutions Code.

30 Equal wage rate violation, confidentiality of complaint, Section 1197.5, Labor
31 Code.

32 Equalization, State Board of, prohibition against divulging information, Section
33 15619.

34 Escrow Agents’ Fidelity Corporation, confidentiality of examination and
35 investigation reports, Section 17336, Financial Code.

36 Escrow agents’ confidentiality of reports on violations, Section 17414, Financial
37 Code.

38 Escrow agents’ confidentiality of state summary criminal history information,
39 Section 17414.1, Financial Code.

40 Estate tax, confidential records and information, Section 14251, Revenue and
41 Taxation Code.

42 Excessive rates or complaints, reports, Section 1857.9, Insurance Code.

1 Executive Department, closed sessions and the record of topics discussed,
2 Sections 11126 and 11126.1.

3 Executive Department, investigations and hearings, confidential nature of
4 information acquired, Section 11183.

5 **Comment.** Section 7930.140 continues former Section 6276.16 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 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 **§ 7930.145. From “Family Court” to “Fur dealer licensee”**

15 7930.145. The following provisions may operate to exempt certain records, or
16 portions thereof, from disclosure pursuant to this division:

17 Family Court, records, Section 1818, Family Code.

18 Farm product processor license, confidentiality of financial statements, Section
19 55523.6, Food and Agricultural Code.

20 Farm product processor licensee, confidentiality of grape purchases, Section
21 55601.5, Food and Agricultural Code.

22 Fee payer information, prohibition against disclosure by Board of Equalization
23 and others, Section 55381, Revenue and Taxation Code.

24 Financial institutions, issuance of securities, reports and records of state agencies,
25 Section 7929.000.

26 Financial statements of insurers, confidentiality of information received, Section
27 925.3, Insurance Code.

28 Financial statements and questionnaires, of prospective bidders for the state,
29 confidentiality of, Section 10165, Public Contract Code.

30 Financial statements and questionnaires, of prospective bidders for California
31 State University contracts, confidentiality of, Section 10763, Public Contract Code.

32 Firearms, centralized list of exempted federal firearms licensees, disclosure of
33 information compiled from, Sections 28475 and 28480, Penal Code.

34 Firearms, centralized list of dealers and licensees, disclosure of information
35 compiled from, Section 26715, Penal Code.

36 Firearm license applications, Sections 7923.800 and 7923.805.

37 Firearm sale or transfer, confidentiality of records, Section 28060, Penal Code.

38 Fishing and hunting licenses, confidentiality of names and addresses contained in
39 records submitted to the Department of Fish and Game to obtain recreational fishing
40 and hunting licenses, Section 1050.6, Fish and Game Code.

41 Foreign marketing of agricultural products, confidentiality of financial
42 information, Section 58577, Food and Agricultural Code.

43 Forest fires, anonymity of informants, Section 4417, Public Resources Code.

1 Foster homes, identifying information, Section 1536, Health and Safety Code.
 2 Franchise Tax Board, access to Franchise Tax Board information by the State
 3 Department of Social Services, Section 11025, Welfare and Institutions Code.
 4 Franchise Tax Board, auditing, confidentiality of, Section 90005.
 5 Franchises, applications, and reports filed with Commissioner of Corporations,
 6 disclosure and withholding from public inspection, Section 31504, Corporations
 7 Code.
 8 Fur dealer licensee, confidentiality of records, Section 4041, Fish and Game Code.

9 **Comment.** Section 7930.145 continues former Section 6276.18 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 6276.19 included an entry for: “Firearms, centralized list of exempted federal
 15 firearms licensees, disclosure of information compiled from, Sections 24850 to 24890, inclusive,
 16 Penal Code.” That entry has been revised to refer to Penal Code Sections 28475 and 28480. This
 17 revision corrects a transposition error (Penal Code §§ 24850-24890 do not exist but Penal Code §§
 18 28450-28490 do). The revision also deletes irrelevant material that used to be combined with the
 19 pertinent material in a long code section (see former Penal Code § 12083 (2009 Cal. Stat. ch. 334,
 20 § 4), which was repealed in 2010 and recodified as Penal Code §§ 28450-28490).

21 Former Section 6276.19 also included an entry for: “Firearms, centralized list of dealers and
 22 licensees, disclosure of information compiled from, Sections 26700 to 26915, inclusive, Penal
 23 Code.” That entry has been revised to refer only to Penal Code Section 26715. This revision deletes
 24 irrelevant material that used to be combined with the pertinent material in a long code section (see
 25 former Penal Code § 12071 (2009 Cal. Stat. ch. 335, § 10), which was repealed in 2010 and
 26 recodified as Penal Code §§ 26700-26915).

27 Another entry in former Section 6276.19 was for: “Firearm sale or transfer, confidentiality of
 28 records, Chapter 5 (commencing with Section 28050) of Division 6 of Title 4 of Part 6, Penal
 29 Code.” That entry has been revised to refer only to Penal Code Section 28060. This revision deletes
 30 irrelevant material that used to be combined with the pertinent material in a long code section (see
 31 former Penal Code § 12082 (2008 Cal. Stat. ch. 699, § 20), which was repealed in 2010 and
 32 recodified as Chapter 5 (commencing with Section 28050) of Division 6 of Title 4 of Part 6 of the
 33 Penal Code).

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 **Notes.**

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

45 However, this should perhaps be shortened to refer only to Penal Code Sections 28475 and
 46 28480, because the other code sections in the specified range appear to have nothing to do with
 47 record disclosure. They were just included in the Section 6276.18 entry because historically they
 48 used to be in the same lengthy code section as the material that is now in Penal Code Sections
 49 28475 and 28480.

1 To help persons using the CPRA index focus on pertinent material, proposed Section 7930.145
2 would refer only to Penal Code Sections 28475 and 28480. The accompanying Comment would
3 explain this revision.

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

12 (3) Another entry in Section 6276.18 is for: “Firearm sale or transfer, confidentiality of records,
13 Chapter 5 (commencing with Section 28050) of Division 6 of Title 4 of Part 6, Penal Code.” This
14 entry should perhaps be shortened to refer only to Penal Code Section 28060, because the other
15 code sections in the specified range appear to have nothing to do with record disclosure. They were
16 just included in the Section 6276.18 entry because historically they used to be in the same lengthy
17 code section as the material that is now in Penal Code Section 28060. To help persons using the
18 exemption index focus on pertinent material, proposed Section 7930.145 would refer only to Penal
19 Code Section 28060.

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

22
23 **§ 7930.150. From “Gambling Control Act” to “Guardianship”**

24 7930.150. The following provisions may operate to exempt certain records, or
25 portions thereof, from disclosure pursuant to this division:

26 Gambling Control Act, exemption from disclosure for records of the California
27 Gambling Control Commission and the Department of Justice, Sections 19819 and
28 19821, Business and Professions Code.

29 Genetically Handicapped Persons Program, confidentiality of factor replacement
30 therapy contracts, Section 125191, Health and Safety Code.

31 Governor, correspondence of and to Governor and Governor’s office, Section
32 7928.000.

33 Governor, transfer of public records in control of, restrictions on public access,
34 Sections 7928.005 and 7928.010.

35 Grand jury, confidentiality of request for special counsel, Section 936.7, Penal
36 Code.

37 Grand jury, confidentiality of transcription of indictment or accusation, Section
38 938.1, Penal Code.

39 Group Insurance, public employees, Section 53202.25.

40 Guardianship, confidentiality of report regarding the suitability of the proposed
41 guardian, Section 1543, Probate Code.

42 Guardianship, disclosure of report and recommendation concerning proposed
43 guardianship of person or estate, Section 1513, Probate Code.

44 **Comment.** Section 7930.150 continues former Section 6276.22 without substantive change. For
45 the source of the introductory clause, see the third sentence of former Section 6275 (“The statutes

1 and constitutional provisions listed in this article may operate to exempt certain records, or portions
2 thereof, from disclosure.”). That sentence is continued without substantive change in Section
3 7930.000 and essentially repeated in each section in this chapter.

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 **§ 7930.155. From “Hazardous substance tax information” to “Housing authorities”**

9 7930.155. The following provisions may operate to exempt certain records, or
10 portions thereof, from disclosure pursuant to this division:

11 Hazardous substance tax information, prohibition against disclosure, Section
12 43651, Revenue and Taxation Code.

13 Hazardous waste control, business plans, public inspection, Section 25509, Health
14 and Safety Code.

15 Hazardous waste control, notice of unlawful hazardous waste disposal, Section
16 25180.5, Health and Safety Code.

17 Hazardous waste control, trade secrets, disclosure of information, Sections 25512,
18 25512.1 and 25538, Health and Safety Code.

19 Hazardous waste control, trade secrets, procedures for release of information,
20 Section 25358.2, Health and Safety Code.

21 Hazardous waste generator report, protection of trade secrets, Sections 25244.21
22 and 25244.23, Health and Safety Code.

23 Hazardous waste licenseholder disclosure statement, confidentiality of, Section
24 25186.5, Health and Safety Code.

25 Hazardous waste recycling, information clearing house, confidentiality of trade
26 secrets, Section 25170, Health and Safety Code.

27 Hazardous waste recycling, list of specified hazardous wastes, trade secrets,
28 Section 25175, Health and Safety Code.

29 Hazardous waste recycling, trade secrets, confidential nature, Sections 25173 and
30 25180.5, Health and Safety Code.

31 Healing arts licensees, central files, confidentiality, Section 800, Business and
32 Professions Code.

33 Health authorities, special county, confidentiality of records, Sections 14087.35,
34 14087.36, and 14087.38, Welfare and Institutions Code.

35 Health care provider disciplinary proceeding, confidentiality of documents,
36 Section 805.1, Business and Professions Code.

37 Health care service plans, review of quality of care, privileged communications,
38 Sections 1370 and 1380, Health and Safety Code.

39 Health commissions, special county, confidentiality of peer review proceedings,
40 rates of payment, and trade secrets, Section 14087.31, Welfare and Institutions
41 Code.

1 Health facilities, patient’s rights of confidentiality, subdivision (c) of Section
2 128745 and Sections 128735, 128736, 128737, 128755, and 128765, Health and
3 Safety Code.

4 Health personnel, data collection by the Office of Statewide Health Planning and
5 Development, confidentiality of information on individual licentiates, Section
6 127780, Health and Safety Code.

7 Health plan governed by a county board of supervisors, exemption from
8 disclosure for records relating to provider rates or payments for a three-year period
9 after execution of the provider contract, Sections 7926.205 and 54956.87.

10 Hereditary Disorders Act, legislative finding and declaration, confidential
11 information, Sections 124975 and 124980, Health and Safety Code.

12 Hereditary Disorders Act, rules, regulations, and standards, breach of
13 confidentiality, Section 124980, Health and Safety Code.

14 HIV, disclosures to blood banks by department or county health officers, Section
15 1603.1, Health and Safety Code.

16 Home address of public employees and officers in Department of Motor Vehicles,
17 records, confidentiality of, Sections 1808.2 and 1808.4, Vehicle Code.

18 Horse racing, horses, blood or urine test sample, confidentiality, Section 19577,
19 Business and Professions Code.

20 Hospital district and municipal hospital records relating to contracts with insurers
21 and service plans, Section 7926.210.

22 Hospital final accreditation report, Section 7926.000.

23 Housing authorities, confidentiality of rosters of tenants, Section 34283, Health
24 and Safety Code.

25 Housing authorities, confidentiality of applications by prospective or current
26 tenants, Section 34332, Health and Safety Code.

27 **Comment.** Section 7930.155 continues former Section 6276.24 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 6276.24 included an entry for: “Hazardous waste control, business plans, public
33 inspection, Section 25506, Health and Safety Code.” That entry has been revised because Health
34 and Safety Code Section 25506 was repealed in 2013 (see 2013 Cal. Stat. § 419, § 2). The current
35 version of Health and Safety Code Section 25506 has nothing to do with record disclosure. The
36 substance of the repealed provision was moved (with revisions) to Health and Safety Code Section
37 25509 (*compare* 1988 Cal. Stat. ch. 1585, § 7 *with* Health & Safety Code § 25509). Section
38 7930.155 thus refers to Health and Safety Code Section 25509, instead of Health and Safety Code
39 Section 25506.

40 Former Section 6276.24 also included an entry for: “Hazardous waste control, trade secrets,
41 disclosure of information, Sections 25511 and 25538, Health and Safety Code.” That entry has been
42 revised because Health and Safety Code Section 25511 was repealed in 2013 (see 2013 Cal. Stat.
43 ch. 419, § 2). The current version of Health and Safety Code Section 25511 has nothing to do with
44 record disclosure. The substance of the repealed provision was moved (with revisions) to Health
45 and Safety Code Sections 25512 and 25512.1 (*compare* 1985 Cal. Stat. ch. 1167, § 1 *with* Health
46 & Safety Code §§ 25512, 25512.1). Section 7930.155 thus refers to Health and Safety Code Section
47 25512 and 25512.1, instead of Health and Safety Code Section 25511.

1 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
2 7930.005 (scope and effect of index). For special rules in the California Public Records Act
3 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
4 CPRA catch-all exemption, see Section 7922.000.

5 **Notes.**

6 (1) Existing Section 6726.24 includes an entry for: “Hazardous waste control, business plans,
7 public inspection, Section 25506, Health and Safety Code.” However, the version of Health and
8 Safety Code Section 25506 relating to record disclosure was repealed in 2013. See 2013 Cal. Stat.
9 § 419, § 2. The current version of Health and Safety Code Section 25506 has nothing to do with
10 record disclosure.

11 The substance of former Health and Safety Code Section 25506 appears to have been moved
12 (with revisions) to Health and Safety Code Section 25509 (*compare* 1988 Cal. Stat. ch. 1585, § 7
13 *with* Health & Safety Code § 25509). Accordingly, proposed Section 7930.155 would refer to
14 Health and Safety Code Section 25509, instead of Health and Safety Code Section 25506.

15 (2) Existing Section 6276.24 includes an entry for: “Hazardous waste control, trade secrets,
16 disclosure of information, Sections 25511 and 25538, Health and Safety Code.” However, the
17 version of Health and Safety Code Section 25511 relating to record disclosure was repealed in
18 2013. See 2013 Cal. Stat. ch. 419, § 2. The current version of Health and Safety Code Section
19 25511 has nothing to do with record disclosure.

20 The substance of former Health and Safety Code Section 25511 appears to have been moved
21 (with revisions) to Health and Safety Code Sections 25512 and 25512.1 (*compare* 1985 Cal. Stat.
22 ch. 1167, § 1 *with* Health & Safety Code §§ 25512, 25512.1). Accordingly, proposed Section
23 7930.155 would refer to Health and Safety Code Sections 25512 and 25512.1, instead of Health
24 and Safety Code Section 25511.

25 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
26 **especially appreciate public comment on these matters.**

27 **§ 7930.160. From “Improper governmental activities reporting” to “Investigative consumer**
28 **reporting agency”**

29 7930.160. The following provisions may operate to exempt certain records, or
30 portions thereof, from disclosure pursuant to this division:

31 Improper governmental activities reporting, confidentiality of identity of person
32 providing information, Section 8547.5.

33 Improper governmental activities reporting, disclosure of information, Section
34 8547.6.

35 Industrial loan companies, confidentiality of financial information, Section
36 18496, Financial Code.

37 Industrial loan companies, confidentiality of investigation and examination
38 reports, Section 18394, Financial Code.

39 Influenza vaccine, trade secret information and information relating to recipient
40 of vaccine, Section 120160, Health and Safety Code.

41 In forma pauperis litigant, rules governing confidentiality of financial
42 information, Section 68633.

43 Infrastructure information, exemption from disclosure for information voluntarily
44 submitted to the Office of Emergency Services, Section 7929.205.

1 In-Home Supportive Services Program, exemption from disclosure for
2 information regarding persons paid by the state to provide in-home supportive
3 services, Section 7926.300.

4 Initiative, referendum, recall, and other petitions, confidentiality of names of
5 signers, Sections 7924.100, 7924.105, and 7924.110.

6 Insurance claims analysis, confidentiality of information, Section 1875.16,
7 Insurance Code.

8 Insurance Commissioner, confidential information, Sections 735.5, 1067.11,
9 1077.3, and 12919, Insurance Code.

10 Insurance Commissioner, informal conciliation of complaints, confidential
11 communications, Section 1858.02, Insurance Code.

12 Insurance Commissioner, information from examination or investigation,
13 confidentiality of, Sections 1215.8, 1433, and 1759.3, Insurance Code.

14 Insurance Commissioner, writings filed with nondisclosure, Section 855,
15 Insurance Code.

16 Insurance fraud reporting, information acquired not part of public record, Section
17 1873.1, Insurance Code.

18 Insurance licensee, confidential information, Section 1666.5, Insurance Code.

19 Insurer application information, confidentiality of, Section 925.3, Insurance
20 Code.

21 Insurer financial analysis ratios and examination synopses, confidentiality of,
22 Section 933, Insurance Code.

23 Department of Resources Recycling and Recovery information, prohibition
24 against disclosure, Section 45982, Revenue and Taxation Code.

25 International wills, confidentiality of registration information filed with the
26 Secretary of State, Section 6389, Probate Code.

27 Intervention in regulatory and ratemaking proceedings, audit of customer seeking
28 and award, Section 1804, Public Utilities Code.

29 Investigation and security records, exemption from disclosure for records of the
30 Attorney General, the Department of Justice, the Office of Emergency Services, and
31 state and local police agencies, Sections 7923.600 to 7923.625, inclusive.

32 Investigative consumer reporting agency, limitations on furnishing an
33 investigative consumer report, Section 1786.12, Civil Code.

34 **Comment.** Section 7930.160 continues former Section 6276.26 without substantive change. For
35 the source of the introductory clause, see the third sentence of former Section 6275 (“The statutes
36 and constitutional provisions listed in this article may operate to exempt certain records, or portions
37 thereof, from disclosure.”). That sentence is continued without substantive change in Section
38 7930.000 and essentially repeated in each section in this chapter.

39 Former Section 6276.26 included an entry for: “Influenza vaccine, trade secret information and
40 information relating to recipient of vaccine, Section 120155, Health and Safety Code.” That entry
41 has been revised because the version of Health and Safety Code Section 120155 relating to trade
42 secrets and record disclosure (2007 Cal. Stat. ch. 130, § 174) was amended and renumbered as
43 Health and Safety Code Section 120160 (see 2015 Cal. Stat. ch. 303, § 347). Section 7930.160 thus
44 refers to Health and Safety Code Section 120160, instead of Health and Safety Code Section
45 120155.

1 Former Section 6276.26 also included an entry for: “In forma pauperis litigant, rules governing
 2 confidentiality of financial information, Section 68511.3.” That entry has been revised because
 3 Section 68511.3 was repealed (see 2008 Cal. Stat. ch. 462, § 1). Similar (but not identical) material
 4 relating to record disclosure is now located in Section 68633 (*compare* former Section
 5 68511.3(a)(4)-(5) & (c)(1) (2006 Cal. Stat. ch. 538, § 326) *with* Section 68633(f)). Proposed
 6 Section 7930.160 would thus refer to Section 68633, instead of Section 68511.3.

7 Another entry in former Section 6276.26 was for: “Insurance Commissioner, information from
 8 examination or investigation, confidentiality of, Sections 1215.7, 1433, and 1759.3, Insurance
 9 Code.” That entry has been revised because the version of Insurance Code Section 1215.7 relating
 10 to record disclosure (1969 Cal. Stat. ch. 1275, § 1) was amended and renumbered as Insurance
 11 Code Section 1215.8 (see 2012 Cal Stat. ch. 282, § 8). Proposed Section 7930.160 would thus refer
 12 to Insurance Code Section 1215.8, instead of Insurance Code Section 1215.7.

13 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
 14 7930.005 (scope and effect of index). For special rules in the California Public Records Act
 15 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
 16 CPRA catch-all exemption, see Section 7922.000.

17 **Notes.**

18 (1) Existing Section 6276.26 includes an entry for: “Influenza vaccine, trade secret information
 19 and information relating to recipient of vaccine, Section 120155, Health and Safety Code.”
 20 However, the version of Health and Safety Code Section 120155 relating to trade secrets and record
 21 disclosure (2007 Cal. Stat. ch. 130, § 174) has been amended and renumbered as Health and Safety
 22 Code Section 120160 (see 2015 Cal. Stat. ch. 303, § 347). The current version of Health and Safety
 23 Code Section 120155 has nothing to do with record disclosure. Accordingly, proposed Section
 24 7930.160 would refer to Health and Safety Code Section 120160, instead of Health and Safety
 25 Code Section 120155.

26 (2) Existing Section 6276.26 also includes an entry for: “In forma pauperis litigant, rules
 27 governing confidentiality of financial information, Section 68511.3.” However, Section 68511.3
 28 has been repealed (see 2008 Cal. Stat. ch. 462, § 1). Similar (but not identical) material relating to
 29 record disclosure is now located in Section 68633 (*compare* former Section 68511.3(a)(4)-(5) &
 30 (c)(1) (2006 Cal. Stat. ch. 538, § 326) *with* Section 68633(f)). Accordingly, proposed Section
 31 7930.160 would refer to Section 68633, instead of Section 68511.3. This drafting approach does
 32 not pose any risk of a substantive change, because the list of exemptions in this chapter is just an
 33 aid for CPRA users (not substantive law). See proposed Section 7930.000 (existing Section 6275).

34 (3) Another entry in existing Section 6276.26 is for: “Insurance Commissioner, information
 35 from examination or investigation, confidentiality of, Sections 1215.7, 1433, and 1759.3, Insurance
 36 Code.” However, the current version of Insurance Code Section 1215.7 has nothing to do with
 37 record disclosure. The version of Insurance Code Section 1215.7 relating to record disclosure (1969
 38 Cal. Stat. ch. 1275, § 1) was amended and renumbered as Insurance Code Section 1215.8 (see 2012
 39 Cal Stat. ch. 282, § 8). Accordingly, proposed Section 7930.160 would refer to Insurance Code
 40 Section 1215.8, instead of Insurance Code Section 1215.7.

41 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
 42 **especially appreciate public comment on these matters.**

43 **§ 7930.165. From “Joint Legislative Ethics Committee” to “Los Angeles County Tourism**
 44 **Marketing Commission”**

45 7930.165. The following provisions may operate to exempt certain records, or
 46 portions thereof, from disclosure pursuant to this division:

47 Joint Legislative Ethics Committee, confidentiality of reports and records, Section
 48 8953.

1 Judicial candidates, confidentiality of communications concerning, Section
2 12011.5.

3 Judicial proceedings, confidentiality of employer records of employee absences,
4 Section 230.2, Labor Code.

5 Jurors' lists, lists of registered voters and licensed drivers as source for, Section
6 197, Code of Civil Procedure.

7 Juvenile court proceedings to adjudge a person a dependent child of court, sealing
8 records of, Section 389, Welfare and Institutions Code.

9 Juvenile criminal records, dissemination to schools, Section 828.1, Welfare and
10 Institutions Code.

11 Juvenile delinquents, notification of chief of police or sheriff of escape of minor
12 from secure detention facility, Section 1155, Welfare and Institutions Code.

13 Labor dispute, investigation and mediation records, confidentiality of, Section
14 3601.

15 Lanterman-Petris-Short Act, mental health services recipients, confidentiality of
16 information and records, mental health advocate, Sections 5540, 5541, 5542, and
17 5550, Welfare and Institutions Code.

18 Law enforcement vehicles, registration disclosure, Section 5003, Vehicle Code.

19 Legislative Counsel records, Section 7928.100.

20 Library circulation records and other materials, Sections 7925.000 and 7927.105.

21 Life and disability insurers, actuarial information, confidentiality of, Section
22 10489.15, Insurance Code.

23 Litigation, confidentiality of settlement information, Section 68513.

24 Local agency legislative body, closed sessions, disclosure of materials, Section
25 54956.9.

26 Local government employees, confidentiality of records and claims relating to
27 group insurance, Section 53202.25.

28 Local summary criminal history information, confidentiality of, Sections 13300
29 and 13305, Penal Code.

30 Local agency legislative body, closed session, nondisclosure of minute book,
31 Section 54957.2.

32 Local agency legislative body, meeting, disclosure of agenda, Section 54957.5.

33 Long-term health facilities, confidentiality of complaints against, Section 1419,
34 Health and Safety Code.

35 Long-term health facilities, confidentiality of records retained by State
36 Department of Public Health, Section 1439, Health and Safety Code.

37 Los Angeles County Tourism Marketing Commission, confidentiality of
38 information obtained from businesses to determine their assessment, Section
39 13995.108.

40 **Comment.** Section 7930.165 continues former Section 6276.28 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 6276.28 included an entry for: “Labor dispute, investigation and mediation
2 records, confidentiality of, Section 65, Labor Code.” That entry has been revised because Labor
3 Code Section 65 was repealed (see 2012 Cal. Stat. ch. 46, § 78). The substance of former Labor
4 Code Section 65 was moved to Section 3601 (*compare* former Labor Code Section 65 (1997 Cal.
5 Stat. ch. 772, § 11) *with* Section 3601). Proposed Section 6278.28 would thus refer to Section 3601,
6 instead of Labor Code Section 65.

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 **Note.** Existing Section 6276.28 includes an entry for: “Labor dispute, investigation and mediation
12 records, confidentiality of, Section 65, Labor Code.” However, Labor Code Section 65 has been
13 repealed (see 2012 Cal. Stat. ch. 46, § 78). Its substance has been moved to Section 3601 (*compare*
14 former Labor Code Section 65 (1997 Cal. Stat. ch. 772, § 11) *with* Section 3601). Accordingly,
15 proposed Section 6278.28 would refer to Section 3601, instead of Labor Code Section 65.

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

18 **§ 7930.170. From “Managed health care plans” to “Multijurisdictional drug law**
19 **enforcement agency”**

20 7930.170. The following provisions may operate to exempt certain records, or
21 portions thereof, from disclosure pursuant to this division:

22 Managed Risk Medical Insurance Board, negotiations with entities contracting or
23 seeking to contract with the board, Sections 7926.225 and 7926.230.

24 Mandated blood testing and confidentiality to protect public health, prohibition
25 against compelling identification of test subjects, Section 120975 of the Health and
26 Safety Code.

27 Mandated blood testing and confidentiality to protect public health, unauthorized
28 disclosures of identification of test subjects, Sections 1603.1, 1603.3, and 121022
29 of the Health and Safety Code.

30 Mandated blood testing and confidentiality to protect public health, disclosure to
31 patient’s spouse, sexual partner, needle sharer, or county health officer, Section
32 121015 of the Health and Safety Code.

33 Manufactured home, mobilehome, floating home, confidentiality of home address
34 of registered owner, Section 18081 of the Health and Safety Code.

35 Marital confidential communications, Sections 980, 981, 982, 983, 984, 985, 986,
36 and 987 of the Evidence Code.

37 Market reports, confidential, Section 7927.300.

38 Marketing of commodities, confidentiality of financial information, Section
39 58781 of the Food and Agricultural Code.

40 Marketing orders, confidentiality of processors’ or distributors’ information,
41 Section 59202 of the Food and Agricultural Code.

42 Marriage, confidential, certificate, Section 511 of the Family Code.

43 Medi-Cal Benefits Program, confidentiality of information, Section 14100.2 of
44 the Welfare and Institutions Code.

1 Medi-Cal Benefits Program, Request of Department for Records of Information,
2 Section 14124.89 of the Welfare and Institutions Code.

3 Medi-Cal Fraud Bureau, confidentiality of complaints, Section 12528.

4 Medi-Cal managed care program, exemption from disclosure for financial and
5 utilization data submitted by Medi-Cal managed care health plans to establish rates,
6 Section 14301.1 of the Welfare and Institutions Code.

7 Medi-Cal program, exemption from disclosure for best price contracts between
8 the State Department of Health Care Services and drug manufacturers, Section
9 14105.33 of the Welfare and Institutions Code.

10 Medical information, disclosure by provider unless prohibited by patient in
11 writing, Section 56.16 of the Civil Code.

12 Medical information, types of information not subject to patient prohibition of
13 disclosure, Section 56.30 of the Civil Code.

14 Medical and other hospital committees and peer review bodies, confidentiality of
15 records, Section 1157 of the Evidence Code.

16 Medical or dental licensee, action for revocation or suspension due to illness,
17 report, confidentiality of, Section 828 of the Business and Professions Code.

18 Medical or dental licensee, disciplinary action, denial or termination of staff
19 privileges, report, confidentiality of, Sections 805, 805.1, and 805.5 of the Business
20 and Professions Code.

21 Meetings of state agencies, disclosure of agenda, Section 11125.1.

22 Mentally abnormal sex offender committed to state hospital, confidentiality of
23 records, Section 4135 of the Welfare and Institutions Code.

24 Mentally disordered and developmentally disabled offenders, access to criminal
25 histories of, Section 1620 of the Penal Code.

26 Mentally disordered persons, court-ordered evaluation, confidentiality of reports,
27 Section 5202 of the Welfare and Institutions Code.

28 Mentally disordered or mentally ill person, confidentiality of written consent to
29 detainment, Section 5326.4 of the Welfare and Institutions Code.

30 Mentally disordered or mentally ill person, voluntarily or involuntarily detained
31 and receiving services, confidentiality of records and information, Sections 5328,
32 5328.15, 5328.2, 5328.4, 5328.8, and 5328.9 of the Welfare and Institutions Code.

33 Mentally disordered or mentally ill person, weapons restrictions, confidentiality
34 of information about, Section 8103 of the Welfare and Institutions Code.

35 Milk marketing, confidentiality of records, Section 61443 of the Food and
36 Agricultural Code.

37 Milk product certification, confidentiality of, Section 62121 of the Food and
38 Agricultural Code.

39 Milk, market milk, confidential records and reports, Section 62243 of the Food
40 and Agricultural Code.

41 Milk product registration, confidentiality of information, Section 38946 of the
42 Food and Agricultural Code.

1 Milk equalization pool plan, confidentiality of producers' voting, Section 62716
2 of the Food and Agricultural Code.

3 Mining report, confidentiality of report containing information relating to mineral
4 production, reserves, or rate of depletion of mining operation, Section 2207 of the
5 Public Resources Code.

6 Minor, criminal proceeding testimony closed to public, Section 859.1 of the Penal
7 Code.

8 Minors, material depicting sexual conduct, records of suppliers to be kept and
9 made available to law enforcement, Section 1309.5 of the Labor Code.

10 Misdemeanor and felony reports by police chiefs and sheriffs to Department of
11 Justice, confidentiality of, Sections 11107 and 11107.5 of the Penal Code.

12 Monetary instrument transaction records, confidentiality of, Section 14167 of the
13 Penal Code.

14 Missing persons' information, disclosure of, Sections 14204 and 14205 of the
15 Penal Code.

16 Morbidity and mortality studies, confidentiality of records, Section 100330 of the
17 Health and Safety Code.

18 Motor vehicle accident reports, disclosure, Sections 16005, 20012, and 20014 of
19 the Vehicle Code.

20 Motor vehicles, department of, public records, exceptions, Sections 1808 to
21 1808.7, inclusive, of the Vehicle Code.

22 Motor vehicle insurance fraud reporting, confidentiality of information acquired,
23 Section 1874.3 of the Insurance Code.

24 Motor vehicle liability insurer, data reported to Department of Insurance,
25 confidentiality of, Section 11628 of the Insurance Code.

26 Multijurisdictional drug law enforcement agency, closed sessions to discuss
27 criminal investigation, Section 54957.8.

28 **Comment.** Section 7930.170 continues former Section 6276.30 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 6276.30 included an entry for: "Managed care health plans, confidentiality of
34 proprietary information, Section 14091.3 of the Welfare and Institutions Code." That entry is not
35 included in Section 7930.170 because it is obsolete. Welfare and Institutions Code Section 14091.3
36 (2012 Cal. Stat. ch. 23, § 81) was repealed by its own terms on January 1, 2014.

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 **Notes.**

42 (1) Existing Section 6276.30 includes an entry for: "Managed care health plans, confidentiality
43 of proprietary information, Section 14091.3 of the Welfare and Institutions Code." However,
44 Welfare and Institutions Code Section 14091.3 (2012 Cal. Stat. ch. 23, § 81) was repealed by its
45 own terms on January 1, 2014.

1 The Commission is not aware of any new provision that continues the substance of the repealed
2 section. Thus, proposed Section 7930.170 would not include the entry quoted above. The
3 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 Welfare and Institutions Code Section 14091.3 (2012 Cal.
8 Stat. ch. 23, § 81), however, it would be helpful to list it in proposed Section 7930.170. Does such
9 a replacement exist?

10 (2) Existing Section 6276.30 also includes an entry for: “Mentally disordered or mentally ill
11 person, weapons restrictions, confidentiality of information about, Section 8103 of the Welfare and
12 Institutions Code.” At present, there are two versions of Welfare and Institutions Code Section
13 8103: A version that will sunset by its own terms on January 1, 2020 (2018 Cal. Stat. ch. 861, § 1)
14 and a version that will become operative on January 1, 2020 (2018 Cal. Stat. ch. 861, § 2). However,
15 both versions contain the same language regarding record disclosure (see subdivision (e)(3)).
16 Consequently, proposed Section 7930.170, like existing Section 6276.30, would simply refer to
17 “Section 8103 of the Welfare and Institutions Code.”

18 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
19 **especially appreciate public comment on these matters.**

20 **§ 7930.175. From “Narcotic addict outpatient revocation proceeding” to “Osteopathic**
21 **physician and surgeon”**

22 7930.175. The following provisions may operate to exempt certain records, or
23 portions thereof, from disclosure pursuant to this division:

24 Narcotic and drug abuse patients, confidentiality of records, Section 11845.5,
25 Health and Safety Code.

26 Native American graves, cemeteries and sacred places, records of, Section
27 7927.000.

28 Notary public, confidentiality of application for appointment and commission,
29 Section 8201.5.

30 Nurse, alcohol or dangerous drug diversion and rehabilitation records,
31 confidentiality of, Section 2770.12, Business and Professions Code.

32 Obscene matter, defense of scientific or other purpose, confidentiality of
33 recipients, Section 311.8, Penal Code.

34 Occupational safety and health investigations, confidentiality of complaints and
35 complainants, Section 6309, Labor Code.

36 Occupational safety and health investigations, confidentiality of trade secrets,
37 Section 6322, Labor Code.

38 Official information acquired in confidence by public employee, disclosure of,
39 Sections 1040 and 1041, Evidence Code.

40 Oil and gas, confidentiality of proposals for the drilling of a well, Section 3724.4,
41 Public Resources Code.

42 Oil and gas, disclosure of onshore and offshore exploratory well records, Section
43 3234, Public Resources Code.

44 Oil and gas, disclosure of well records, Section 3752, Public Resources Code.

1 Oil and gas leases, surveys for permits, confidentiality of information, Section
2 6826, Public Resources Code.

3 Oil spill feepayer information, prohibition against disclosure, Section 46751,
4 Revenue and Taxation Code.

5 Older adults receiving county services, providing information between county
6 agencies, confidentiality of, Section 9401, Welfare and Institutions Code.

7 Organic food certification organization records, release of, Section 110845,
8 Health and Safety Code.

9 Osteopathic physician and surgeon, rehabilitation and diversion records,
10 confidentiality of, Section 2369, Business and Professions Code.

11 **Comment.** Section 7930.175 continues former Section 6276.32 without substantive change. For
12 the source of the introductory clause, see the third sentence of former Section 6275 (“The statutes
13 and constitutional provisions listed in this article may operate to exempt certain records, or portions
14 thereof, from disclosure.”). That sentence is continued without substantive change in Section
15 7930.000 and essentially repeated in each section in this chapter.

16 Former Section 6276.32 included an entry for: “Narcotic addict outpatient revocation
17 proceeding, confidentiality of reports, Section 3152.5, Welfare and Institutions Code.” That entry
18 is not included in Section 7930.175 because it is obsolete. Welfare and Institutions Code Section
19 3152.5 (1978 Cal. Stat. ch. 856, § 5) was repealed by the terms of former Welfare and Institutions
20 Code Section 3202 (see 2012 Cal. Stat. ch. 41, § 119).

21 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
22 7930.005 (scope and effect of index). For special rules in the California Public Records Act
23 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
24 CPRA catch-all exemption, see Section 7922.000.

25 **Note.** Existing Section 6276.32 includes an entry for: “Narcotic addict outpatient revocation
26 proceeding, confidentiality of reports, Section 3152.5, Welfare and Institutions Code.” However,
27 Welfare and Institutions Code Section 3152.5 (1978 Cal. Stat. ch. 856, § 5) was repealed by the
28 terms of former Welfare and Institutions Code Section 3202 (see 2012 Cal. Stat. ch. 41, § 119).

29 The Commission is not aware of any new provision that continues the substance of the repealed
30 section. Thus, (1) proposed Section 7930.175 would not include the entry quoted above, and (2)
31 the accompanying Comment would explain this omission.

32 This drafting approach does not pose any risk of a substantive change, because the list of
33 exemptions in this chapter is just an aid for CPRA users (not substantive law) and it does not purport
34 to be exhaustive. See proposed Sections 7930.000 and 7930.005 (existing Sections 6275 and 6276).

35 If there is a replacement for former Welfare and Institutions Code Section 3152.5 (1978 Cal.
36 Stat. ch. 856, § 5), however, it would be helpful to list it in proposed Section 7930.175. Does such
37 a replacement exist?

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

40 **§ 7930.180. From “Parole revocation proceedings” to “Postmortem or autopsy photos”**

41 7930.180. The following provisions may operate to exempt certain records, or
42 portions thereof, from disclosure pursuant to this division:

43 Parole revocation proceedings, confidentiality of information in reports, Section
44 3063.5, Penal Code.

45 Passenger fishing boat licenses, records, Section 7923, Fish and Game Code.

46 Paternity, acknowledgement, confidentiality of records, Section 102760, Health
47 and Safety Code.

1 Patient-physician confidential communication, Sections 992 and 994, Evidence
2 Code.

3 Patient records, confidentiality of, Section 123135, Health and Safety Code.

4 Payroll records, confidentiality of, Section 1776, Labor Code.

5 Peace officer personnel records, confidentiality of, Sections 832.7 and 832.8,
6 Penal Code.

7 Penitential communication between penitent and clergy, Sections 1032 and 1033,
8 Evidence Code.

9 Personal Care Services Program, exemption from disclosure for information
10 regarding persons paid by the state to provide personal care services, Section
11 7926.300.

12 Personal Income Tax, disclosure of information, Article 2 (commencing with
13 Section 19542), Chapter 7, Part 10.2, Division 2, Revenue and Taxation Code.

14 Personal information, Information Practices Act, prohibitions against disclosure
15 by state agencies, Sections 1798.24 and 1798.75, Civil Code.

16 Personal information, subpoena of records containing, Section 1985.4, Code of
17 Civil Procedure.

18 Personal representative, confidentiality of personal representative's birth date and
19 driver's license number, Section 8404, Probate Code.

20 Persons formerly classified as mentally abnormal sex offenders committed to a
21 state hospital, confidentiality of records, Section 4135, Welfare and Institutions
22 Code.

23 Persons with mental health disorders, court-ordered evaluation, confidentiality of
24 reports, Section 5202, Welfare and Institutions Code.

25 Persons with mental health disorders, confidentiality of written consent to
26 detainment, Section 5326.4, Welfare and Institutions Code.

27 Persons with mental health disorders voluntarily detained and receiving services,
28 confidentiality of records and information, Sections 5328, 5328.15, 5328.2, 5328.4,
29 5328.8, and 5328.9, Welfare and Institutions Code.

30 Persons with mental health disorders, weapons restrictions, confidentiality of
31 information about, Section 8103, Welfare and Institutions Code.

32 Petition signatures, Section 18650, Elections Code.

33 Petroleum supply and pricing, confidential information, Sections 25364 and
34 25366, Public Resources Code.

35 Pharmacist, alcohol or dangerous drug diversion and rehabilitation records,
36 confidentiality of, Section 4372, Business and Professions Code.

37 Physical therapist or assistant, records of dangerous drug or alcohol diversion and
38 rehabilitation, confidentiality of, Section 2667, Business and Professions Code.

39 Physical or mental condition or conviction of controlled substance offense,
40 records in Department of Motor Vehicles, confidentiality of, Section 1808.5,
41 Vehicle Code.

42 Physician and surgeon, rehabilitation and diversion records, confidentiality of,
43 Section 2355, Business and Professions Code.

1 Physician assistant, alcohol or dangerous drug diversion and rehabilitation
2 records, confidentiality of, Section 3534.7, Business and Professions Code.

3 Physician competency examination, confidentiality of reports, Section 2294,
4 Business and Professions Code.

5 Physicians and surgeons, confidentiality of reports of patients with a lapse of
6 consciousness disorder, Section 103900, Health and Safety Code.

7 Physician Services Account, confidentiality of patient names in claims, Section
8 16956, Welfare and Institutions Code.

9 Pilots, confidentiality of personal information, Section 1157.1, Harbors and
10 Navigation Code.

11 Pollution Control Financing Authority, financial data submitted to, Section
12 7924.505.

13 Postmortem or autopsy photos, Section 129, Code of Civil Procedure.

14 **Comment.** Section 7930.180 continues former Section 6276.34 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 Former Section 6276.34 included an entry for: “Payment instrument licensee records, inspection
20 of, Section 33206, Financial Code.” That entry is not included in Section 7930.180 because it is
21 obsolete. Financial Code Section 33206 (1996 Cal. Stat. ch. 1064, § 712) has been repealed. See
22 2010 Cal. Stat. ch. 612, § 4.

23 Former Section 6276.34 also included an entry for: “Physician and surgeon, rehabilitation and
24 diversion records, confidentiality of, Section 2355, Business and Professions Code.” That entry is
25 not included in Section 7930.180 because it is obsolete. Business and Professions Code Section
26 2355 (2000 Cal. Stat. ch. 836, § 12) has been repealed. See 2005 Cal. Stat. ch. 674, § 16 (sunset
27 clause, operative Jan. 1, 2009).

28 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
29 7930.005 (scope and effect of index). For special rules in the California Public Records Act
30 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
31 CPRA catch-all exemption, see Section 7922.000.

32 **Notes.**

33 (1) Existing Section 6276.34 includes an entry for: “Payment instrument licensee records,
34 inspection of, Section 33206, Financial Code.” However, Financial Code Section 33206 (1996 Cal.
35 Stat. ch. 1064, § 712) was part of the Payment Instruments Law (former Fin. Code § 33000 *et seq.*),
36 which was repealed by a bill enacted in 2010. See 2010 Cal. Stat. ch. 612, § 4.

37 That bill also repealed the Money Abroad Law (former Fin. Code § 1800 *et seq.*) and the
38 Travelers Check Act (former Fin. Code § 1851 *et seq.*). Much of the substance of these three
39 repealed bodies of law was consolidated into the Money Transmission Act (Fin. Code §§ 1800-
40 1872). See, e.g., Senate Committee on Banking, Finance & Insurance Analysis of AB 2789 (June
41 30, 2010).

42 The Commission has not found any new provision that continues the substance of the former
43 Financial Code Section 33206. Thus, proposed Section 7930.180 would not include the entry
44 quoted above. 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 Financial Code Section 33206 (1996 Cal. Stat. ch. 1064, §
2 712), however, it would be helpful to list it in proposed Section 7930.180. Does such a replacement
3 exist?

4 (2) Existing Section 6276.34 also includes an entry for: “Persons with mental health disorders,
5 weapons restrictions, confidentiality of information about, Section 8103, Welfare and Institutions
6 Code.” At present, there are two versions of Welfare and Institutions Code Section 8103: A version
7 that will sunset by its own terms on January 1, 2020 (2018 Cal. Stat. ch. 861, § 1) and a version
8 that will become operative on January 1, 2020 (2018 Cal. Stat. ch. 861, § 2). However, both versions
9 contain the same language regarding record disclosure (see subdivision (e)(3)). Consequently,
10 proposed Section 7930.180, like existing Section 6276.34, would simply refer to “Section 8103,
11 Welfare and Institutions Code.”

12 (3) Another entry in existing Section 6276.34 is for: “Physician and surgeon, rehabilitation and
13 diversion records, confidentiality of, Section 2355, Business and Professions Code.” However,
14 Business and Professions Code Section 2355 (2000 Cal. Stat. ch. 836, § 12) has been repealed. See
15 2005 Cal. Stat. ch. 674, § 16 (sunset clause, operative Jan. 1, 2009).

16 The Commission has not found any new provision that continues the substance of the former
17 Business and Professions Code Section 2355; the diversion programs to which it pertained appear
18 to have been discontinued. Thus, proposed Section 7930.180 would not include the entry quoted
19 above. The accompanying Comment would explain this omission.

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

22
23 **§ 7930.185. From “Pregnancy tests by local public health agencies” to “Pupil records”**

24 7930.185. The following provisions may operate to exempt certain records, or
25 portions thereof, from disclosure pursuant to this division:

26 Pregnancy tests by local public health agencies, confidentiality of, Section
27 123380, Health and Safety Code.

28 Pregnant women, confidentiality of blood tests, Section 125105, Health and
29 Safety Code.

30 Prehospital emergency medical care, release of information, Sections 1797.188
31 and 1797.189, Health and Safety Code.

32 Prenatal syphilis tests, confidentiality of, Section 120705, Health and Safety
33 Code.

34 Prescription drug discounts, confidentiality of corporate proprietary information,
35 Section 130506, Health and Safety Code.

36 Prisoners, behavioral research on, confidential personal information, Section
37 3515, Penal Code.

38 Prisoners, confidentiality of blood tests, Section 7530, Penal Code.

39 Prisoners, medical testing, confidentiality of records, Sections 7517 and 7540,
40 Penal Code.

41 Prisoners, transfer from county facility for mental treatment and evaluation,
42 confidentiality of written reasons, Section 4011.6, Penal Code.

43 Private industry wage data collected by public entity, confidentiality of, Section
44 7927.600.

1 Private railroad car tax, confidentiality of information, Section 11655, Revenue
2 and Taxation Code.

3 Probate referee, disclosure of materials, Section 8908, Probate Code.

4 Probation officer reports, inspection of, Section 1203.05, Penal Code.

5 Produce dealer, confidentiality of financial statements, Section 56254, Food and
6 Agricultural Code.

7 Products liability insurers, transmission of information, Section 1857.9, Insurance
8 Code.

9 Professional corporations, financial statements, confidentiality of, Section 13406,
10 Corporations Code.

11 Property on loan to museum, notice of intent to preserve an interest in, not subject
12 to disclosure, Section 1899.5, Civil Code.

13 Property taxation, confidentiality of change of ownership, Section 481, Revenue
14 and Taxation Code.

15 Property taxation, confidentiality of exemption claims, Sections 63.1, 69.5, and
16 408.2, Revenue and Taxation Code.

17 Property taxation, confidentiality of property information, Section 15641,
18 Government Code and Section 833, Revenue and Taxation Code.

19 Proprietary information, availability only to the director and other persons
20 authorized by the operator and the owner, Section 2778, Public Resources Code.

21 Psychologist and client, confidential relations and communications, Section 2918,
22 Business and Professions Code.

23 Psychotherapist-patient confidential communication, Sections 1012 and 1014,
24 Evidence Code.

25 Public employees' home addresses and telephone numbers, confidentiality of,
26 Section 7928.300.

27 Public Employees' Medical and Hospital Care Act, confidentiality of data relating
28 to health care services rendered by participating hospitals to members and
29 annuitants, Section 22854.5.

30 Public Employees' Retirement System, confidentiality of data filed by member or
31 beneficiary with board of administration, Section 20230.

32 Public investment funds, exemption from disclosure for records regarding
33 alternative investments, Section 7928.710.

34 Public school employees organization, confidentiality of proof of majority
35 support submitted to Public Employment Relations Board, Sections 3544, 3544.1,
36 and 3544.5.

37 Public social services, confidentiality of digest of decisions, Section 10964,
38 Welfare and Institutions Code.

39 Public social services, confidentiality of information regarding child abuse or
40 elder or dependent persons abuse, Section 10850.1, Welfare and Institutions Code.

41 Public social services, confidentiality of information regarding eligibility, Section
42 10850.2, Welfare and Institutions Code.

1 Public social services, confidentiality of records, Section 10850, Welfare and
2 Institutions Code.

3 Public social services, disclosure of information to law enforcement agencies,
4 Section 10850.3, Welfare and Institutions Code.

5 Public social services, disclosure of information to law enforcement agencies
6 regarding deceased applicant or recipient, Section 10850.7, Welfare and Institutions
7 Code.

8 Public utilities, confidentiality of information, Section 583, Public Utilities Code.

9 Pupil, confidentiality of personal information, Section 45345, Education Code.

10 Pupil drug and alcohol use questionnaires, confidentiality of, Section 11605,
11 Health and Safety Code.

12 Pupil, expulsion hearing, disclosure of testimony of witness and closed session of
13 district board, Section 48918, Education Code.

14 Pupil, personal information disclosed to school counselor, confidentiality of,
15 Section 49602, Education Code.

16 Pupil record contents, records of administrative hearing to change contents,
17 confidentiality of, Section 49070, Education Code.

18 Pupil records, access authorized for specified parties, Section 49076, Education
19 Code.

20 Pupil records, disclosure in hearing to dismiss or suspend school employee,
21 Section 44944.3, Education Code.

22 Pupil records, release of directory information to private entities, Sections 49073
23 and 49073.5, Education Code.

24 **Comment.** Section 7930.185 continues former Section 6276.36 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 6276.36 included an entry for: “Public Employees’ Retirement System,
30 confidentiality of data filed by member or beneficiary with board of administration, Section
31 20134.” That entry has been revised because Section 20134 was repealed and its substance moved
32 to Section 20230. See 1995 Cal. Stat. ch. 379, § 1; *compare* 1985 Cal. Stat. ch. 1508, § 1 *with*
33 Section 20230. Section 7930.185 would thus refer to Section 20230, instead of Section 20134.

34 Former Section 6276.36 also included an entry for: “Pupil records, disclosure in hearing to
35 dismiss or suspend school employee, Section 44944.1, Education Code.” That entry has been
36 revised because Section 44944.1 was repealed and added, and the new provision does not address
37 record disclosure (see 2014 Cal. Stat. ch. 55, §§ 17, 18). The substance of the repealed provision
38 has been moved to Education Code Section 44944.3 (*compare* 1985 Cal. Stat. ch. 324, § 3 (former
39 Educ. Code § 44944.1) *with* Educ. Code § 44944.3). Proposed Section 7930.135 would thus refer
40 to Education Code Section 44944.3, instead of Education Code Section 44944.1.

41 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
42 7930.005 (scope and effect of index). For special rules in the California Public Records Act
43 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
44 CPRA catch-all exemption, see Section 7922.000.

1 **Notes.**

2 (1) Existing Section 6276.36 includes an entry for: “Public Employees’ Retirement System,
3 confidentiality of data filed by member or beneficiary with board of administration, Section
4 20134.” However, Section 20134 has been repealed (see 1995 Cal. Stat. ch. 379, § 1). Its substance
5 has been moved to Section 20230 (*compare* 1985 Cal. Stat. ch. 1508, § 1 *with* Section 20230).
6 Accordingly, proposed Section 7930.185 would refer to Section 20230, instead of Section 20134.

7 (2) Existing Section 6276.36 also includes an entry for: “Pupil records, disclosure in hearing to
8 dismiss or suspend school employee, Section 44944.1, Education Code.” However, Education
9 Code Section 44944.1 was repealed and added, and the new provision does not address record
10 disclosure. See 2014 Cal. Stat. ch. 55, §§ 17, 18.

11 The substance of the repealed provision has been moved to Education Code Section 44944.3.
12 *Compare* 1985 Cal. Stat. ch. 324, § 3 (former Educ. Code § 44944.1) *with* Educ. Code § 44944.3.
13 Accordingly, proposed Section 7930.185 would refer to Education Code Section 44944.3, instead
14 of Education Code Section 44944.1.

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

17 **§ 7930.190. From “Radioactive materials” to “Reward by Governor”**

18 7930.190. The following provisions may operate to exempt certain records, or
19 portions thereof, from disclosure pursuant to this division:

20 Radioactive materials, dissemination of information about transportation of,
21 Section 33002, Vehicle Code.

22 Railroad infrastructure protection program, disclosure not required for risk
23 assessments filed with the Public Utilities Commission, the Director of Emergency
24 Services, or the Office of Emergency Services, Section 7929.215.

25 Real estate broker, annual report to Bureau of Real Estate of financial information,
26 confidentiality of, Section 10232.2, Business and Professions Code.

27 Real property, acquisition by state or local government, information relating to
28 feasibility, Section 7928.705.

29 Real property, change in ownership statement, confidentiality of, Section 27280.

30 Records described in Section 1620 of the Penal Code.

31 Records of contract purchasers, inspection by public prohibited, Section 85,
32 Military and Veterans Code.

33 Records of persons committed to a state hospital pursuant to Section 4135 of the
34 Welfare and Institutions Code.

35 Registered public obligations, inspection of records of security interests in,
36 Section 5060.

37 Registration of exempt vehicles, nondisclosure of name of person involved in
38 alleged violation, Section 5003, Vehicle Code.

39 Rehabilitation, Department of, confidential information, Section 19016, Welfare
40 and Institutions Code.

41 Reinsurance intermediary-broker license information, confidentiality of, Section
42 1781.3, Insurance Code.

43 Relocation assistance, confidential records submitted to a public entity by a
44 business or farm operation, Section 7262.

1 Rent control ordinance, confidentiality of information concerning
2 accommodations sought to be withdrawn from, Section 7060.4.

3 Report of probation officer, inspection, copies, Section 1203.05, Penal Code.

4 Repossession agency licensee application, confidentiality of information,
5 Sections 7503, 7504, and 7506.5, Business and Professions Code.

6 Reproductive health facilities, disclosure not required for personal information
7 regarding employees, volunteers, board members, owners, partners, officers, and
8 contractors of a reproductive health services facility who have provided requisite
9 notification, Sections 7926.400 to 7926.430, inclusive.

10 Residence address in any record of Department of Housing and Community
11 Development, confidentiality of, Section 7927.415.

12 Residence address in any record of Department of Motor Vehicles, confidentiality
13 of, Section 7927.405, Government Code, and Section 1808.21, Vehicle Code.

14 Residence and mailing addresses in records of Department of Motor Vehicles,
15 confidentiality of, Section 1810.7, Vehicle Code.

16 Residential care facilities, confidentiality of resident information, Section
17 1568.08, Health and Safety Code.

18 Residential care facilities for the elderly, confidentiality of client information,
19 Section 1569.315, Health and Safety Code.

20 Resource families, identifying information, Section 16519.55, Welfare and
21 Institutions Code.

22 Respiratory care practitioner, professional competency examination reports,
23 confidentiality of, Section 3756, Business and Professions Code.

24 Restraint of trade, civil action by district attorney, confidential memorandum,
25 Section 16750, Business and Professions Code.

26 Reward by Governor for information leading to arrest and conviction,
27 confidentiality of person supplying information, Section 1547, Penal Code.

28 **Comment.** Section 7930.190 continues former Section 6276.38. For the source of the
29 introductory clause, see the third sentence of former Section 6275 (“The statutes and constitutional
30 provisions listed in this article may operate to exempt certain records, or portions thereof, from
31 disclosure.”). That sentence is continued without substantive change in Section 7930.000 and
32 essentially repeated in each section in this chapter.

33 The last entry in former Section 6276.38 was for: “Safe surrender site, confidentiality of
34 information pertaining to a parent or individual surrendering a child, Section 1255.7, Health and
35 Safety Code.” That entry is not included in Section 7930.190. Instead, it is included in Section
36 7930.195, together with other entries that begin with “S.”

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.** Existing Section 6276.38 includes an entry for: “Residential care facilities for the elderly,
42 confidentiality of client information, Section 1569.315, Health and Safety Code.” There are two

1 versions of Section 1569.315 in the Health and Safety Code (1985 Cal. Stat. ch. 869, § 4; 1985 Cal.
2 Stat. ch. 1096, § 5).

3 Both versions require a residential care facility for the elderly to keep and protect “the privacy
4 and confidentiality of” certain records. Most of the differences between the versions are stylistic,
5 but only the first version applies to “the ... address ... of the client’s physician”

6 Like existing Section 6276.38, proposed Section 7930.190 would simply refer to “Section
7 1569.315, Health and Safety Code.” Is that the best way to handle this situation?

8 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
9 **especially appreciate public comment on this matter.**

10 **§ 7930.195. From “Safe surrender site” to “Social security numbers within records of local**
11 **agencies”**

12 7930.195. The following provisions may operate to exempt certain records, or
13 portions thereof, from disclosure pursuant to this division:

14 Safe surrender site, confidentiality of information pertaining to a parent or
15 individual surrendering a child, Section 1255.7, Health and Safety Code.

16 Sales and use tax, disclosure of information, Section 7056, Revenue and Taxation
17 Code.

18 Santa Barbara Regional Health Authority, exemption from disclosure for records
19 maintained by the authority regarding negotiated rates for the California Medical
20 Assistance Program, Section 14499.6, Welfare and Institutions Code.

21 Savings association employees, disclosure of criminal history information,
22 Section 6525, Financial Code.

23 Savings associations, inspection of records by shareholders, Section 6050,
24 Financial Code.

25 School district governing board, disciplinary action, disclosure of pupil
26 information, Section 35146, Education Code.

27 School employee, merit system examination records, confidentiality of, Section
28 45274, Education Code.

29 School employee, notice and reasons for hearing on nonreemployment of
30 employee, confidentiality of, Sections 44948.5 and 44949, Education Code.

31 School meals for needy pupils, confidentiality of records, Section 49558,
32 Education Code.

33 Sealed records, arrest for misdemeanor, Section 851.7, Penal Code.

34 Sealed records, misdemeanor convictions, Section 1203.45, Penal Code.

35 Sealing and destruction of arrest records, determination of innocence, Section
36 851.8, Penal Code.

37 Search warrants, special master, Section 1524, Penal Code.

38 Sex change, confidentiality of birth certificate, Section 103440, Health and Safety
39 Code.

40 Sex offenders, registration form, Section 290.021, Penal Code.

41 Sexual assault forms, confidentiality of, Section 13823.5, Penal Code.

42 Sexual assault counselor and victim, confidential communication, Sections
43 1035.2, 1035.4, and 1035.8, Evidence Code.

44 Shorthand reporter’s complaint, Section 8010, Business and Professions Code.

1 Small family day care homes, identifying information, Section 1596.86, Health
2 and Safety Code.

3 Social security number, applicant for driver’s license or identification card,
4 nondisclosure of, Section 1653.5, Vehicle Code, and Section 7922.200.

5 Social security number, official record or official filing, nondisclosure of, Section
6 9526.5, Commercial Code, and Sections 7922.205 and 7922.210.

7 Social Security Number Truncation Program, Article 3.5 (commencing with
8 Section 27300), Chapter 6, Part 3, Division 2, Title 3.

9 Social security numbers within records of local agencies, nondisclosure of,
10 Section 7922.200.

11 **Comment.** Section 7930.195 continues former Section 6276.40. For the source of the
12 introductory clause, see the third sentence of former Section 6275 (“The statutes and constitutional
13 provisions listed in this article may operate to exempt certain records, or portions thereof, from
14 disclosure.”). That sentence is continued without substantive change in Section 7930.000 and
15 essentially repeated in each section in this chapter.

16 Former Section 6276.38 consisted of entries beginning with “R,” plus an entry for: “Safe
17 surrender site, confidentiality of information pertaining to a parent or individual surrendering a
18 child, Section 1255.7, Health and Safety Code.” The quoted entry belongs with other entries that
19 begin with “S,” not with entries that begin with “R.” Thus, the quoted entry is recodified here in
20 Section 7930.195, not in Section 7930.190.

21 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
22 7930.005 (scope and effect of index). For special rules in the California Public Records Act
23 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
24 CPRA catch-all exemption, see Section 7922.000.

25 **Note.** Existing Section 6276.40 includes an entry for: “Social security number, applicant for
26 driver’s license or identification card, nondisclosure of, Section 1653.5, Vehicle Code” At
27 present, there are two versions of Vehicle Code Section 1653.5, with different rules governing
28 when they are operative: (1) 2014 Cal. Stat. ch. 452, § 2, and (2) 2014 Cal. Stat. ch. 71, § 168. Both
29 versions restrict disclosure of the social security number of an applicant for a driver’s license or
30 identification card. For that reason, and because only one version will be operative at a time,
31 proposed Section 7930.195, like existing Section 6276.40, would simply refer to “Section 1653.5,
32 Vehicle Code”

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

35 **§ 7930.200. From “State agency activities relating to unrepresented employees” to**
36 **“Sturgeon egg processors”**

37 7930.200. The following provisions may operate to exempt certain records, or
38 portions thereof, from disclosure pursuant to this division:

39 State agency activities relating to unrepresented employees, Section 7928.405.

40 State agency activities relating to providers of health care, Section 7927.500.

41 State Auditor, access to barred records, Section 8545.2.

42 State Auditor, confidentiality of records, Sections 8545, 8545.1, and 8545.3.

43 State civil service employee, confidentiality of appeal to state personnel board,
44 Section 18952.

45 State civil service employees, confidentiality of reports, Section 18573.

1 State civil service examination, confidentiality of application and examination
2 materials, Section 18934.

3 State Compensation Insurance Fund, exemption from disclosure for various
4 records maintained by the State Compensation Insurance Fund, Sections 7929.400
5 to 7929.430, inclusive.

6 State Contract Act, bids, questionnaires and financial statements, Section 10165,
7 Public Contract Code.

8 State Contract Act, bids, sealing, opening and reading bids, Section 10304, Public
9 Contract Code.

10 State Energy Resources Conservation and Development Commission,
11 confidentiality of proprietary information submitted to, Section 25223, Public
12 Resources Code.

13 State hospital patients, information and records in possession of Superintendent
14 of Public Instruction, confidentiality of, Section 56863, Education Code.

15 State Long-Term Care Ombudsman, access to government agency records,
16 Section 9723, Welfare and Institutions Code.

17 State Long-Term Care Ombudsman office, confidentiality of records and files,
18 Section 9725, Welfare and Institutions Code.

19 State Long-Term Care Ombudsman office, disclosure of information or
20 communications, Section 9715, Welfare and Institutions Code.

21 State Lottery Evaluation Report, disclosure, Section 8880.46.

22 State prisoners, exemption from disclosure for surveys by the California Research
23 Bureau of children of female prisoners, Section 7443, Penal Code.

24 State summary criminal history information, confidentiality of information,
25 Sections 11105, 11105.1, 11105.3, and 11105.4, Penal Code.

26 State Teachers' Retirement System, confidentiality of information filed with the
27 system by a member, participant, or beneficiary, Section 22306, Education Code.

28 Sterilization of disabled, confidentiality of evaluation report, Section 1955,
29 Probate Code.

30 Strawberry marketing information, confidentiality of, Section 63124, Food and
31 Agricultural Code.

32 Structural pest control licensee records relating to pesticide use, confidentiality
33 of, Section 15205, Food and Agricultural Code.

34 Student driver, records of physical or mental condition, confidentiality of, Section
35 12661, Vehicle Code.

36 Student, community college, information received by school counselor,
37 confidentiality of, Section 72621, Education Code.

38 Student, community college, records, limitations on release, Section 76243,
39 Education Code.

40 Student, community college, record contents, records of administrative hearing to
41 change contents, confidentiality of, Section 76232, Education Code.

42 Student, sexual assault on private higher education institution campus,
43 confidentiality of information, Section 94385, Education Code.

1 Student, sexual assault on public college or university, confidentiality of
2 information, Section 67385, Education Code.

3 Sturgeon egg processors, records, Section 10004, Fish and Game Code.

4 **Comment.** Section 7930.200 continues former Section 6276.42 without substantive change. For
5 the source of the introductory clause, see the third sentence of former Section 6275 (“The statutes
6 and constitutional provisions listed in this article may operate to exempt certain records, or portions
7 thereof, from disclosure.”). That sentence is continued without substantive change in Section
8 7930.000 and essentially repeated in each section in this chapter.

9 Former Section 6276.42 included an entry for: “State Teachers’ Retirement System,
10 confidentiality of information filed with the system by a member, participant, or beneficiary,
11 Sections 22306 and 26215, Education Code.” That entry has been revised to refer only to Education
12 Code Section 22306. The reference to Education Code Section 26215 is obsolete because that
13 section was repealed as redundant. See 2017 Cal. Stat. ch. 298, § 11; Senate Committee on Public
14 Employment & Retirement Analysis of AB 1325 (July 10, 2017), p. 5.

15 For guidance on using this chapter, see Sections 7930.000 (legislative intent & instructions) and
16 7930.005 (scope and effect of index). For special rules in the California Public Records Act
17 (“CPRA”) that apply to specific types of public records, see Sections 7923.600-7929.600. For the
18 CPRA catch-all exemption, see Section 7922.000.

19 **Note.** Existing Section 6276.42 includes an entry for: “State Teachers’ Retirement System,
20 confidentiality of information filed with the system by a member, participant, or beneficiary,
21 Sections 22306 and 26215, Education Code.” However, Education Code Section 26215 has been
22 repealed, apparently because it was considered redundant with Education Code Section 22306. See
23 2017 Cal. Stat. ch. 298, § 11; Senate Committee on Public Employment & Retirement Analysis of
24 AB 1325 (July 10, 2017), p. 5.

25 Thus, proposed Section 7930.200 would include the entry quoted above, but it would only refer
26 to Education Code Section 22306. The accompanying Comment would explain the omission of
27 Education Code Section 26215.

28 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
29 **especially appreciate public comment on this matter.**

30 **§ 7930.205. From “Taxpayer information” to “Trust companies”**

31 7930.205. The following provisions may operate to exempt certain records, or
32 portions thereof, from disclosure pursuant to this division:

33 Taxpayer information, confidentiality, local taxes, Section 7925.000.

34 Tax preparer, disclosure of information obtained in business of preparing tax
35 returns, Section 17530.5, Business and Professions Code.

36 Teacher, credential holder or applicant, information provided to Commission on
37 Teacher Credentialing, confidentiality of, Section 44341, Education Code.

38 Teacher, certified school personnel examination results, confidentiality of,
39 Section 44289, Education Code.

40 Telephone answering service customer list, trade secret, Section 16606, Business
41 and Professions Code.

42 Timber yield tax, disclosure to county assessor, Section 38706, Revenue and
43 Taxation Code.

44 Timber yield tax, disclosure of information, Section 38705, Revenue and Taxation
45 Code.

1 Title insurers, confidentiality of notice of noncompliance, Section 12414.14,
2 Insurance Code.

3 Tobacco products, exemption from disclosure for distribution information
4 provided to the State Department of Public Health, Section 22954, Business and
5 Professions Code.

6 Tow truck driver, information in records of California Highway Patrol,
7 Department of Motor Vehicles, or other agencies, confidentiality of, Sections 2431
8 and 2432.3, Vehicle Code.

9 Toxic substances, Department of, inspection of records of, Section 25152.5,
10 Health and Safety Code.

11 Trade secrets, Section 1060, Evidence Code.

12 Trade secrets, confidentiality of, occupational safety and health inspections,
13 Section 6322, Labor Code.

14 Trade secrets, disclosure of public records, Section 3426.7, Civil Code.

15 Trade secrets, food, drugs, cosmetics, nondisclosure, Sections 110165 and
16 110370, Health and Safety Code.

17 Trade secrets, protection by Director of the Department of Pesticide Regulation,
18 Sections 7924.300 to 7924.335, inclusive.

19 Trade secrets and proprietary information relating to pesticides, confidentiality of,
20 Sections 14022 and 14023, Food and Agricultural Code.

21 Trade secrets, protection by Director of Industrial Relations, Section 6396, Labor
22 Code.

23 Trade secrets relating to hazardous substances, disclosure of, Sections 25358.2
24 and 25358.7, Health and Safety Code.

25 Traffic violator school licensee records, confidentiality of, Section 11212, Vehicle
26 Code.

27 Traffic offense, dismissed for participation in driving school or program, record
28 of, confidentiality of, Section 1808.7, Vehicle Code.

29 Transit districts, questionnaire and financial statement information in bids,
30 Section 99154, Public Utilities Code.

31 Tribal-state gaming contracts, exemption from disclosure for records of an Indian
32 tribe relating to securitization of annual payments, Section 63048.63.

33 Trust companies, disclosure of private trust confidential information, Section
34 1602, Financial Code.

35 **Comment.** Section 7930.205 continues former Section 6276.44 without substantive change. For
36 the source of the introductory clause, see the third sentence of former Section 6275 (“The statutes
37 and constitutional provisions listed in this article may operate to exempt certain records, or portions
38 thereof, from disclosure.”). That sentence is continued without substantive change in Section
39 7930.000 and essentially repeated in each section in this chapter.

40 Former Section 6276.44 included an entry for: “Trust companies, disclosure of private trust
41 confidential information, Section 1582, Financial Code.” That entry has been revised because
42 Financial Code Section 1582 was repealed in 2011 and replaced by a new provision that has nothing
43 to do with disclosure of private trust confidential information (see 2011 Cal. Stat. ch. 243, §§ 1, 3).
44 The substance of the repealed provision was moved to Financial Code Section 1602 (*compare*

1 former Fin. Code § 1582 (1996 Cal. Stat. ch. 1064, § 212) *with* Fin. Code § 1602). Section 7930.205
2 thus refers to Financial Code Section 1602, instead of Financial Code Section 1582.

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.** Existing Section 6276.44 includes an entry for: “Trust companies, disclosure of private trust
8 confidential information, Section 1582, Financial Code.” However, Financial Code Section 1582
9 was repealed and added in 2011, and the new provision has nothing to do with disclosure of private
10 trust confidential information. See 2011 Cal. Stat. ch. 243, §§ 1, 3.

11 The substance of the repealed provision has been moved to Financial Code Section 1602.
12 *Compare* former Fin. Code § 1582 (1996 Cal. Stat. ch. 1064, § 212) *with* Fin. Code § 1602.
13 Accordingly, proposed Section 7930.205 would refer to Financial Code Section 1602, instead of
14 Financial Code Section 1582.

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

17 **§ 7930.210. From “Unclaimed property” to “Wards and dependent children”**

18 7930.210. The following provisions may operate to exempt certain records, or
19 portions thereof, from disclosure pursuant to this division:

20 Unclaimed property, Controller records of, disclosure, Section 1582, Code of
21 Civil Procedure.

22 Unemployment compensation, disclosure of confidential information, Section
23 2111, Unemployment Insurance Code.

24 Unemployment compensation, information obtained in administration of code,
25 Section 1094, Unemployment Insurance Code.

26 Unemployment fund contributions, publication of annual tax paid, Section 989,
27 Unemployment Insurance Code.

28 University of California, exemption from disclosure for information submitted by
29 bidders for award of best value contracts, Section 10506.6, Public Contract Code.

30 Unsafe working condition, confidentiality of complainant, Section 6309, Labor
31 Code.

32 Use fuel tax information, disclosure prohibited, Section 9255, Revenue and
33 Taxation Code.

34 Utility systems development, confidential information, Section 7927.300.

35 Utility user tax return and payment records, exemption from disclosure, Section
36 7284.6, Revenue and Taxation Code.

37 Vehicle registration, confidentiality of information, Section 4750.4, Vehicle
38 Code.

39 Vehicle accident reports, disclosure of, Sections 16005, 20012, and 20014,
40 Vehicle Code and Section 27177, Streets and Highways Code.

41 Vehicular offense, record of, confidentiality five years after conviction, Section
42 1807.5, Vehicle Code.

43 Veterans Affairs, Department of, confidentiality of records of contract purchasers,
44 Section 85, Military and Veterans Code.

1 Veterinarian or animal health technician, alcohol or dangerous drugs diversion
2 and rehabilitation records, confidentiality of, Section 4871, Business and
3 Professions Code.

4 Victims' Legal Resource Center, confidentiality of information and records
5 retained, Section 13897.2, Penal Code.

6 Voter, affidavit or registration, confidentiality of information contained in,
7 Section 7924.000.

8 Voter, registration by confidential affidavit, Section 2194, Elections Code.

9 Voting, secrecy, Section 1050, Evidence Code.

10 Wards and dependent children, inspection of juvenile court documents, Section
11 827, Welfare and Institutions Code.

12 **Comment.** Section 7930.210 continues former Section 6276.46 without substantive change. For
13 the source of the introductory clause, see the third sentence of former Section 6275 ("The statutes
14 and constitutional provisions listed in this article may operate to exempt certain records, or portions
15 thereof, from disclosure."). That sentence is continued without substantive change in Section
16 7930.000 and essentially repeated in each section in this chapter.

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 **§ 7930.215. From "Wards" to "Youth Authority"**

22 7930.215. The following provisions may operate to exempt certain records, or
23 portions thereof, from disclosure pursuant to this division:

24 Wards, petition for sealing records, Section 781, Welfare and Institutions Code.

25 Winegrowers of California Commission, confidentiality of producers' or
26 vintners' proprietary information, Sections 74655 and 74955, Food and Agricultural
27 Code.

28 Workers' Compensation Appeals Board, injury or illness report, confidentiality
29 of, Section 6412, Labor Code.

30 Workers' compensation insurance, dividend payment to policyholder,
31 confidentiality of information, Section 11739, Insurance Code.

32 Workers' compensation insurance fraud reporting, confidentiality of information,
33 Section 1877.4, Insurance Code.

34 Workers' compensation insurer or rating organization, confidentiality of notice of
35 noncompliance, Section 11754, Insurance Code.

36 Workers' compensation insurer, rating information, confidentiality of, Section
37 11752.7, Insurance Code.

38 Workers' compensation, notice to correct noncompliance, Section 11754,
39 Insurance Code.

40 Workers' compensation, release of information to other governmental agencies,
41 Section 11752.5, Insurance Code.

42 Workers' compensation, self-insured employers, confidentiality of financial
43 information, Section 3742, Labor Code.

1 Workplace inspection photographs, confidentiality of, Section 6314, Labor Code.
2 Youth Authority, parole revocation proceedings, confidentiality of, Section
3 1767.6, Welfare and Institutions Code.

4 Youth Authority, release of information in possession of Youth Authority for
5 offenses under Sections 676, 1764.1, and 1764.2, Welfare and Institutions Code.

6 **Comment.** Section 7930.215 continues former Section 6276.48 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 **UNCODIFIED**

16 **Legislative findings**

17 SEC. _____. This act would recodify the California Public Records Act (Sections
18 6250 to 6276.48, inclusive, of the Government Code) in a more user-friendly
19 manner without changing its substance, and make conforming revisions. Consistent
20 with subdivision (b) of Section 3 of Article I of the California Constitution, the
21 Legislature finds and declares:

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

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

30 **Operative date**

31 SEC. _____. This act becomes operative on July 1, 2021.

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(a)(1)	7922.570(b)
6250	7921.000	6253.9(a)(2) 1st sent	7922.570(b)
6251	7920.000	6253.9(a)(2) 2d sent	7922.575(a)
6252(a).....	7920.510	6253.9(b).....	7922.575(b)
6252(b)	7920.515	6253.9(c).....	7922.580(a)
6252(c).....	7920.520	6253.9(d).....	7922.570(c)
6252(d)	7920.525(a)	6253.9(e).....	7922.580(b)
6252(e).....	7920.530	6253.9(f)	7922.580(c)
6252(f)	7920.540	6253.9(g).....	7922.580(d)
6252(g)	7920.550	6253.10	7922.680
6252.5	7921.305	6254(a)	7927.500
6252.6	7927.420	6254(b).....	7927.200
6252.7	7921.310	6254(c)	7927.700
6253(a).....	7922.525	6254(d).....	7929.000
6253(a) 1st sent.....	7922.525(a)	6254(e)	7927.300
6253(a) 2d sent	7922.525(b)	6254(f)	7923.600-7923.625
6253(b)	7922.530	6254(f) 1st sent	7923.600(a)
6253(c).....	7922.535	6254(f) 2d sent	7923.605(a)
6253(c) 1st, 4th sent	7922.535(a)	6254(f) 3d sent	7923.605(b)
6253(c) 2d, 3d sent	7922.535(b)	6254(f) 2d ¶	7923.600(b)
6253(c) 5th sent	7922.535(c)	6254(f) 3d ¶	7923.610, 7923.615(a), 7923.620(a)
6253(d) 1st sent	7922.500	6254(f)(1).....	7923.610
6253(d) 2d sent	7922.540(b)	6254(f)(2)(A) 1st sent	7923.615(a)
6253(e).....	7922.505	6254(f)(2)(A) 2d, 3d sent	7923.615(b)
6253(f) 1st sent	7922.545(a)	6254(f)(2)(B)	7923.615(c)
6253(f) 2d sent	7922.545(b)	6254(f)(3) 1st, 2d sent.....	7923.620(a)
6253.1(a)-(c).....	7922.600	6254(f)(3) 3d sent	7923.620(b)
6253.1(d)	7922.605	6254(f)(3) 4th sent	7923.620(c)
6253.2	7926.300	6254(f)(4).....	7923.625
6253.3	7921.005	6254(g).....	7929.605
6253.31	7928.700	6254(h).....	7928.705
6253.4(a) 1st ¶	7922.630	6254(i).....	7925.000
6253.4(a) 2d ¶	7922.635	6254(j).....	7927.100
6253.4(b)	7922.640	6254(k).....	7927.705
6253.5	7924.100-7924.110	6254 (l)	7928.000
6253.5(a) 1st sent.....	7924.110(a)-(b)	6254(m).....	7928.100
6253.5(a) 2d sent	7924.110(c)	6254(n).....	7925.005
6253.5(b)	7924.110(d)	6254(o).....	7924.505
6253.5(c).....	7924.100	6254(p)(1)	7928.405
6253.5(d)	7924.105	6254(p)(2)	7928.410
6253.6	7924.005	6254(q)(1)	7926.220(a)
6253.8(a)-(e).....	7924.900	6254(q)(2)	7926.220(b)
6253.8(f)	not cont'd	6254(q)(3)	7926.220(c)
6253.9	7922.570-7922.580	6254(q)(4)	7926.220(d)
6253.9 intro cl 1st part.....	7922.570(a)	6254(r)	7927.000
6253.9 intro cl 2d part	7922.570(b)		

Existing Provision(s)	Proposed Provision(s)	Existing Provision(s)	Proposed Provision(s)
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	6254.20	7927.400
6254.2(j)	7924.320	6254.21 (except (f))	7928.200-7928.230
6254.2(k)	7924.310(c)	6254.21(a)	7928.205
6254.2(l)	7924.330	6254.21(b)	7928.210
6254.2(m)	7924.305(e)	6254.21(c)	7928.215-7928.225
6254.2(n)	7924.325	6254.21(c)(1)	7928.215
6254.3	7928.300		

Existing Provision(s)	Proposed Provision(s)	Existing Provision(s)	Proposed Provision(s)
6254.21(c)(1)(A)	7928.215(b)	6264	7921.705
6254.21(c)(1)(B).....	7928.215(c)	6265	7921.710
6254.21(c)(1)(C).....	7928.215(d)	6267	7927.105
6254.21(c)(1)(D)	7928.215(e)	6268	7928.005, 7928.010
6254.21(c)(1)(E)	7928.215(a)	6268(a)	7928.005
6254.21(c)(2)	7928.225	6268(b)	7928.010(a)
6254.21(c)(3)	7928.220	6268(c)	7928.010(b)
6254.21(d)	7928.230	6268.5	7928.015
6254.21(e).....	7928.200(a)	6270	7921.010
6254.21(f)	7920.500	6270.5	7922.700-7922.725
6254.21(g)	7928.200(b)	6270.5(a) 1st sent	7922.710(a)
6254.22	7926.205	6270.5(a) 2d sent.....	7922.715(a)
6254.22 1st sent	7926.205(a)	6270.5(a) 3d sent.....	7922.715(b)
6254.22 2d sent.....	7926.205(b)	6270.5(a) 4th sent	7922.720(a), (b)
6254.22 3d & 4th sent	7926.205(c)	6270.5(b).....	7922.725(a)
6254.23	7929.215	6270.5(c)(1)	7922.700(a)
6254.24	7920.535	6270.5(c)(2)	7922.705
6254.25	7927.205	6270.5(c)(3)	7922.700(b)
6254.26	7928.710	6270.5(d).....	7922.725(b)
6254.26(a).....	7928.710(b)	6270.5(e)	7922.720(c)
6254.26(b)	7928.710(c)	6270.5(f)	7922.710(b)
6254.26(c).....	7928.710(a)	6270.6	7928.800
6254.27	7922.205	6270.7	7926.500
6254.28	7922.210	6275-6276.48	7930.000-7930.215
6254.29	7922.200	6275	7930.000
6254.30	7923.655	6276	7930.005
6254.30 1st sent	7923.655(a)	6276.01	7930.100
6254.30 2d sent.....	7923.655(b)	6276.02	7930.105
6254.33	7928.715	6276.04	7930.110
6255(a).....	7922.000	6276.06	7930.115
6255(b)	7922.540(a)	6276.08	7930.120
6257.5	7921.300	6276.10	7930.125
6258 1st sent.....	7923.000	6276.12	7930.130
6258 2d sent.....	7923.005	6276.14	7930.135
6259(a) 1st sent.....	7923.100	6276.16	7930.140
6259(a) 2d sent	7923.105	6276.18	7930.145
6259(b)	7923.110	6276.22	7930.150
6259 (except (c) 1st sent intro cl)	7923.100-	6276.24	7930.155
.....	7923.510	6276.26	7930.160
6259(c) 1st sent intro cl	not cont'd	6276.28	7930.165
6259(c) 1st sent remainder	7923.500	6276.30	7930.170
6259(c) 2d sent	7923.505(a)	6276.32	7930.175
6259(c) 3d sent	7923.505(b)	6276.34	7930.180
6259(c) 4th sent	7923.510	6276.36	7930.185
6259(c) 5th sent	7923.120	6276.38	7930.190
6259(d)	7923.115(a)-(b)	6276.40	7930.195
6259(e).....	7923.115(c)	6276.42	7930.200
6260	7920.200	6276.44	7930.205
6261	7928.720	6276.46	7930.210
6262	7923.650	6276.48	7930.215
6263	7921.700		

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, (a)(1), (a)(2) 1st sent
7920.510	6252(a)	7922.570(c)	6253.9(d)
7920.515	6252(b)	7922.575(a)	6253.9(a)(2) 2d sent
7920.520	6252(c)	7922.575(b)	6253.9(b)
7920.525(a)	6252(d)	7922.580(a)	6253.9(c)
7920.525(b)	new	7922.580(b)	6253.9(e)
7920.530	6252(e)	7922.580(c)	6253.9(f)
7920.535	6254.24	7922.580(d)	6253.9(g)
7920.540	6252(f)	7922.585	6254.9
7920.545	new	7922.600	6253.1(a)-(c)
7920.550	6252(g)	7922.605	6253.1(d)
7921.000	6250	7922.630	6253.4(a) 1st ¶
7921.005	6253.3	7922.635	6253.4(a) 2d ¶
7921.010	6270	7922.640	6253.4(b)
7921.300	6257.5	7922.680	6253.10
7921.305	6252.5	7922.700-7922.725	6270.5
7921.310	6252.7	7922.700(a)	6270.5(c)(1)
7921.500	6254 next-to-last ¶	7922.700(b)	6270.5(c)(3)
7921.505	6254.5	7922.705	6270.5(c)(2)
7921.505(a)	6254.5 2d sent	7922.710(a)	6270.5(a) 1st sent
7921.505(b)	6254.5 1st sent	7922.710(b)	6270.5(f)
7921.505(c)	6254.5(a)-(i)	7922.715(a)	6270.5(a) 2d sent
7921.700	6263	7922.715(b)	6270.5(a) 3d sent
7921.705	6264	7922.720(a), (b)	6270.5(a) 4th sent
7921.710	6265	7922.720(c)	6270.5(e)
7922.000	6255(a)	7922.725(a)	6270.5(b)
7922.200	6254.29	7922.725(b)	6270.5(d)
7922.205	6254.27	7923.000	6258 1st sent
7922.210	6254.28	7923.005	6258 2d sent
7922.500	6253(d) 1st sent	7923.100-7923.510	6259(d) (except (c) 1st sent intro cl)
7922.505	6253(e)	7923.100	6259(a) 1st sent
7922.525	6253(a)	7923.105	6259(a) 2d sent
7922.525(a)	6253(a) 1st sent	7923.110	6259(b)
7922.525(b)	6253(a) 2d sent	7923.115(a)-(b)	6259(d)
7922.530	6253(b)	7923.115(c)	6259(e)
7922.535	6253(c)	7923.120	6259(c) 5th sent
7922.535(a)	6253(c) 1st, 4th sent		
7922.535(b)	6253(c) 2d, 3d 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(y)(5) cross-refers 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.⁶ Proposed Section 7926.230 (continuing the substance of Section 6254(y)) would update that cross-reference by referring to “*former* Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code”⁷
- 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

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 (AB 1811 (Committee on Budget)); 2018 Cal. Stat. ch. 92, § 246 (subordination clause in SB 1289 (Committee on Judiciary)).

5. See 2018 Cal. Stat. ch. 423, § 49 (SB 1494 (Committee on Public Safety)).

6. See 2014 Cal. Stat. ch. 31, § 37 (former Ins. Code § 12699.64).

7. Emphasis added.

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.⁸ 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.”⁹ 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.”¹⁰
- 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 ...”¹¹ It seems improbable that the Legislature intended this provision to include as a “public safety official” only an employee who supervises inmates in one of the enumerated facilities for adults *and* in one of the enumerated facilities for juveniles. 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 home ...”¹²

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 1996.¹³ Proposed Section

8. Emphasis added.

9. Emphasis added.

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

11. Emphasis added.

12. Emphasis added.

13. 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

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.”¹⁴ 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.¹⁵ 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.

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.

14. Emphasis added.

15. 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).¹⁶
- Consider whether to simplify the description in the first sentence of Section 6254.5 (proposed Section 7921.505(a)) of which exemptions are waived.¹⁷
- 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.¹⁸

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

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

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