

**ASSEMBLY BILL**

**No. 2922**

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**Introduced by Assembly Member Simitian**

February 25, 2002

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An act to amend Section 350 of the Business and Professions Code, and to add Section 11019.10 to the Government Code, relating to personal information.

LEGISLATIVE COUNSEL'S DIGEST

AB 2922, as introduced, Simitian. Personal information: state agency records.

Existing law establishes the Office of Privacy Protection in the Department of Consumer Affairs, the purpose of which is to protect the privacy of individuals' personal information, as specified.

Existing law requires each state department and state agency to enact and maintain a permanent privacy policy and is required to include in that policy various provisions related to its collection, retention, and disclosure of personally identifiable information.

This bill would require each state agency, no later than July 1, 2003, to provide to the Office of Privacy Protection a description of its system of records, including, among other information, the name and location of the system, the categories of individuals on whom records are maintained, each routine use of records in the system, the policies and practices regarding storage, retrievability, access controls, retention, and disposal of the records, and procedures whereby an individual can gain access to any record pertaining to him or her. The bill would require the office to make available on its Web site the information each state agency provides to it about its systems of records.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 350 of the Business and Professions  
2 Code is amended to read:  
3 350. (a) There is hereby created in the Department of  
4 Consumer Affairs an Office of Privacy Protection under the  
5 direction of the Director of Consumer Affairs and the Secretary of  
6 the State and Consumer Services Agency. The office’s purpose  
7 shall be protecting the privacy of individuals’ personal  
8 information in a manner consistent with the California  
9 Constitution by identifying consumer problems in the privacy area  
10 and facilitating development of fair information practices in  
11 adherence with the Information Practices Act of 1977 (Chapter 1  
12 (commencing with Section 1798) of Title 1.8 of Part 4 of Division  
13 3 of the Civil Code).

14 (b) The office shall inform the public of potential options for  
15 protecting the privacy of, and avoiding the misuse of, personal  
16 information.

17 (c) The office shall make recommendations to organizations  
18 for privacy policies and practices that promote and protect the  
19 interests of California consumers.

20 (d) The office may promote voluntary and mutually agreed  
21 upon nonbinding arbitration and mediation of privacy-related  
22 disputes where appropriate.

23 (e) *The office shall make available on its Web site the*  
24 *information state agencies provide to the office pursuant to Section*  
25 *11019.10 of the Government Code.*

26 (f) *The* Director of Consumer Affairs shall do all of the  
27 following:

28 (1) Receive complaints from individuals concerning any  
29 person obtaining, compiling, maintaining, using, disclosing, or  
30 disposing of personal information in a manner that may be  
31 potentially unlawful or violate a stated privacy policy relating to  
32 that individual, and provide advice, information, and referral,  
33 where available.

34 (2) Provide information to consumers on effective ways of  
35 handling complaints that involve violations of privacy-related



1 laws, including identity theft and identity fraud. If appropriate  
2 local, state, or federal agencies are available to assist consumers  
3 with those complaints, the director shall refer those complaints to  
4 those agencies.

5 (3) Develop information and educational programs and  
6 materials to foster public understanding and recognition of the  
7 purposes of this article.

8 (4) Investigate and assist in the prosecution of identity theft and  
9 other privacy-related crimes, and, as necessary, coordinate with  
10 local, state, and federal law enforcement agencies in the  
11 investigation of similar crimes.

12 (5) Assist and coordinate in the training of local, state, and  
13 federal law enforcement agencies regarding identity theft and  
14 other privacy-related crimes, as appropriate.

15 (6) The authority of the office, the director, or the secretary, to  
16 adopt regulations under this article shall be limited exclusively to  
17 those regulations necessary and appropriate to implement  
18 subdivisions (b), (c), (d), and (e).

19 SEC. 2. Section 11019.10 is added to the Government Code,  
20 to read:

21 11019.10. Each state agency, no later than July 1, 2003, shall  
22 provide to the Office of Privacy Protection in the Department of  
23 Consumer Affairs a description of its system of records, which  
24 shall include all of the following:

25 (a) The name and location of the system.

26 (b) The categories of individuals on whom records are  
27 maintained in the system.

28 (c) The categories of records maintained in the system.

29 (d) Each routine use of the records contained in the system,  
30 including the categories of users and the purpose of each use.

31 (e) The policies and practices of the agency regarding storage,  
32 retrievability, access controls, retention, and disposal of the  
33 records.

34 (f) The title and business address of the agency official who is  
35 responsible for the system of records.

36 (g) The agency procedures whereby an individual can be  
37 notified at his or her request if the system of records contains a  
38 record pertaining to him or her.

39 (h) The agency procedures whereby an individual can be  
40 notified at his or her request how he or she can gain access to any



- 1 record pertaining to him or her contained in the system of records,
- 2 and how he or she can contest its content.
- 3 (i) The categories of sources of records in the system.

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