

AMENDED IN ASSEMBLY APRIL 11, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**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~~ *add Section 353* to 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 amended, 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 as prescribed. The bill would require the office, no later than July 1, 2003, to adopt regulations concerning the reporting by state agencies of personal information to the office to be included in the State Personal Information Inventory, that the office would be required to create. The bill would require that state agencies be in compliance with those regulations no later than January 1, 2004, and would require the office to make the inventory available to the public no later than March 1, 2004.

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 *SECTION 1. Section 353 is added to the Business and*  
3 *Professions Code, to read:*  
4 *353. (a) It is the intent of the Legislature to create a central*  
5 *catalogue that will allow the public to see what information the*  
6 *state collects about them, what the state does with that*  
7 *information, and the process by which individuals may access*  
8 *specific records in which they are identified. This inventory is also*  
9 *intended to help the state assess the appropriateness of the privacy*  
10 *protection measures currently in place.*  
11 *It is the intent of the Legislature that information in the*  
12 *catalogue will be user-friendly and easily accessible by the*  
13 *general public.*  
14 *It is the intent of the Legislature that regulations resulting from*  
15 *this section have as minimal impact as possible on the workload*  
16 *of state agencies and the California Office of Privacy Protection.*  
17 *It is the intent of the Legislature to require agencies to*  
18 *periodically update the data at least annually.*  
19 *(b) The California Office of Privacy Protection shall create the*  
20 *State Personal Information Inventory. The office, no later than*  
21 *July 1, 2003, shall adopt regulations concerning the reporting of*  
22 *personal information by state agencies to the office for inclusion*  
23 *in the inventory.*  
24 *(c) No later than March 1, 2004, the office shall make the State*  
25 *Personal Information Inventory available to members of the*  
26 *public.*



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

3 11019.10. (a) Each state agency, no later than July 1, 2003,  
4 shall provide to the Office of Privacy Protection in the Department  
5 of Consumer Affairs a description of its system of records. As used  
6 in this section, a system of records means a group of any records  
7 under the control of an agency from which information is retrieved  
8 by the name of an individual by some identifying number, symbol,  
9 or other identifying designation assigned to an individual.

10 (b) No later than January 1, 2004, every state agency shall be  
11 in compliance with the regulations and reporting requirements  
12 promulgated by the Office of Privacy Protection pursuant to  
13 Section 353 of the Business and Professions Code, regarding  
14 information to be included in the State Personal Information  
15 Inventory.

16 Code is amended to read:

17 ~~350. (a) There is hereby created in the Department of~~  
18 ~~Consumer Affairs an Office of Privacy Protection under the~~  
19 ~~direction of the Director of Consumer Affairs and the Secretary of~~  
20 ~~the State and Consumer Services Agency. The office's purpose~~  
21 ~~shall be protecting the privacy of individuals' personal~~  
22 ~~information in a manner consistent with the California~~  
23 ~~Constitution by identifying consumer problems in the privacy area~~  
24 ~~and facilitating development of fair information practices in~~  
25 ~~adherence with the Information Practices Act of 1977 (Chapter 1~~  
26 ~~(commencing with Section 1798) of Title 1.8 of Part 4 of Division~~  
27 ~~3 of the Civil Code).~~

28 ~~(b) The office shall inform the public of potential options for~~  
29 ~~protecting the privacy of, and avoiding the misuse of, personal~~  
30 ~~information.~~

31 ~~(c) The office shall make recommendations to organizations~~  
32 ~~for privacy policies and practices that promote and protect the~~  
33 ~~interests of California consumers.~~

34 ~~(d) The office may promote voluntary and mutually agreed~~  
35 ~~upon nonbinding arbitration and mediation of privacy-related~~  
36 ~~disputes where appropriate.~~

37 ~~(e) The office shall make available on its Web site the~~  
38 ~~information state agencies provide to the office pursuant to Section~~  
39 ~~11019.10 of the Government Code.~~



1 ~~(f) The Director of Consumer Affairs shall do all of the~~  
2 ~~following:~~

3 ~~(1) Receive complaints from individuals concerning any~~  
4 ~~person obtaining, compiling, maintaining, using, disclosing, or~~  
5 ~~disposing of personal information in a manner that may be~~  
6 ~~potentially unlawful or violate a stated privacy policy relating to~~  
7 ~~that individual, and provide advice, information, and referral,~~  
8 ~~where available.~~

9 ~~(2) Provide information to consumers on effective ways of~~  
10 ~~handling complaints that involve violations of privacy-related~~  
11 ~~laws, including identity theft and identity fraud. If appropriate~~  
12 ~~local, state, or federal agencies are available to assist consumers~~  
13 ~~with those complaints, the director shall refer those complaints to~~  
14 ~~those agencies.~~

15 ~~(3) Develop information and educational programs and~~  
16 ~~materials to foster public understanding and recognition of the~~  
17 ~~purposes of this article.~~

18 ~~(4) Investigate and assist in the prosecution of identity theft and~~  
19 ~~other privacy related crimes, and, as necessary, coordinate with~~  
20 ~~local, state, and federal law enforcement agencies in the~~  
21 ~~investigation of similar crimes.~~

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

25 ~~(6) The authority of the office, the director, or the secretary, to~~  
26 ~~adopt regulations under this article shall be limited exclusively to~~  
27 ~~those regulations necessary and appropriate to implement~~  
28 ~~subdivisions (b), (c), (d), and (e).~~

29 ~~SEC. 2. Section 11019.10 is added to the Government Code,~~  
30 ~~to read:~~

31 ~~11019.10. Each state agency, no later than July 1, 2003, shall~~  
32 ~~provide to the Office of Privacy Protection in the Department of~~  
33 ~~Consumer Affairs a description of its system of records, which~~  
34 ~~shall include all of the following:~~

35 ~~(a) The name and location of the system.~~

36 ~~(b) The categories of individuals on whom records are~~  
37 ~~maintained in the system.~~

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

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



1 ~~(e) The policies and practices of the agency regarding storage,~~  
2 ~~retrievability, access controls, retention, and disposal of the~~  
3 ~~records.~~

4 ~~(f) The title and business address of the agency official who is~~  
5 ~~responsible for the system of records.~~

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

9 ~~(h) The agency procedures whereby an individual can be~~  
10 ~~notified at his or her request how he or she can gain access to any~~  
11 ~~record pertaining to him or her contained in the system of records,~~  
12 ~~and how he or she can contest its content.~~

13 ~~(i) The categories of sources of records in the system.~~

