

AMENDED IN ASSEMBLY MAY 6, 2002
AMENDED IN ASSEMBLY APRIL 18, 2002
AMENDED IN ASSEMBLY APRIL 11, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2922

Introduced by Assembly Member Simitian

February 25, 2002

An act to 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~~ *January 1, 2004*, to provide to the Office of Privacy Protection in the Department of Consumer Affairs a description of the general categories or classes of personal information contained in its system of records, as prescribed. The bill would require the office, no later than July 1, 2003, to ~~adopt regulations concerning the collection, use, disclosure, or~~

develop the process and format for 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~~ each state agency provide annual updates no later than January 1, to the office regarding changes in the information contained in its records, 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 353 is added to the Business and
2 Professions Code, to read:

3 353. (a) It is the intent of the Legislature to create a central
4 catalogue that will allow the public to observe the general
5 categories of personal information that are collected by the state,
6 how the state uses that information, and the process by which
7 individuals may access specific records in which they are
8 identified. This inventory is also intended to help the state assess
9 the appropriateness of the regulatory and statutory privacy
10 protection measures currently in place.

11 It is the intent of the Legislature that information in the
12 catalogue be easily accessible by the general public.

13 It is the intent of the Legislature that regulations resulting from
14 this section have as minimal impact as possible on the resources
15 of state agencies and of the California Office of Privacy
16 Protection.

17 It is the intent of the Legislature to require state agencies to
18 update information that shall be provided to the Office of Privacy
19 Protection, as specified by this section, at least annually.

20 (b) The California Office of Privacy Protection shall create the
21 State Personal Information Inventory. The office, no later than
22 July 1, 2003, shall ~~adopt regulations concerning the collection,~~
23 ~~use, disclosure, or~~ *develop the process and format for the reporting*
24 *of personal information by state agencies, pursuant to Section*
25 *11019.10 of the Government Code, to the office for inclusion in the*
26 *inventory.*



1 (c) No later than March 1, 2004, the office shall make the State
2 Personal Information Inventory available to the general public.

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

5 11019.10. (a) Each state agency, no later than ~~July 1, 2003~~
6 *January 1, 2004*, shall provide to the Office of Privacy Protection
7 in the Department of Consumer Affairs a description of general
8 categories or classes of personal information contained in its
9 system of records, *pursuant to Section 353 of the Business and*
10 *Professions Code*. That description shall include, but is not limited
11 to, all of the following:

- 12 (1) The name and location of the system.
 - 13 (2) The categories of individuals on whom records are
14 maintained in the system.
 - 15 (3) The categories of records maintained in the system.
 - 16 (4) Each routine use of the records contained in the system,
17 including the categories of users and the purpose of each use.
 - 18 (5) The title and business address of the agency official who is
19 responsible for the system of records.
 - 20 (6) The categories of sources of records in the system.
 - 21 (7) Whether the categories of information contained in the
22 system are personal information or public information.
 - 23 (8) Known or foreseeable disclosures of the records contained
24 in the system. As used in this section, a system of records means
25 a group of any records under the control of an agency from which
26 information is retrieved by the name of an individual by some
27 identifying number, symbol, or other identifying designation
28 assigned to an individual.
- 29 ~~(b) No later than January 1, 2004, every state agency shall be~~
30 ~~in compliance with the regulations and reporting requirements~~
31 ~~promulgated by the Office of Privacy Protection pursuant to~~
32 ~~Section 353 of the Business and Professions Code, regarding~~
33 ~~information to be included in the State Personal Information~~
34 ~~Inventory.~~
35 (b) *Each state agency shall provide annual updates, no later*
36 *than January 1, to the Office of Privacy Protection regarding*
37 *changes to the information in subdivision (a).*

