

AMENDED IN ASSEMBLY APRIL 28, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1933**

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**Introduced by Assembly Member Pacheco**

February 10, 2004

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An act to amend Sections ~~6253 and 6254~~ 6252, 6253, and 6254 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1933, as amended, Pacheco. Public records.

(1) Under the California Public Records Act, except for exempt records, every state or local agency, upon request, is required to make records available to any person upon payment of fees to cover costs. The act requires each agency, within 10 days from receipt of a request for records, to determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency.

This bill would require that this determination be made within ~~20~~ 10 court days from the receipt of a request. *The bill would define court day for purposes of the act as any day that a state court is open to conduct business.*

(2) Under the act, records that are exempt from disclosure include law enforcement investigatory records, although address information of a crime victim and of an individual arrested for a crime may be disclosed to a licensed private investigator or to a requester declaring under penalty of perjury that the request is made for a scholarly, journalistic, political, or governmental purpose, subject to specified restrictions, including that the address information obtained under these

provisions remain confidential and not be used directly or indirectly to sell a product or service.

This bill would provide that *this* address information of an arrestee or crime victim obtained under these provisions shall remain in the physical possession of the requester and may not be provided to anyone, used directly or indirectly to furnish or sell a product or service to any individual or group of individuals, posted on a computer Web site for any purpose, or otherwise published also may not be furnished to another to sell a product or service.

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

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

- 1 SECTION 1. *Section 6252 of the Government Code is*
- 2 *amended to read:*
- 3 6252. As used in this chapter:
- 4 (a) ~~“State agency” means every state office, officer,~~
- 5 ~~department, division, bureau, board, and commission or other~~
- 6 ~~state body or agency, except those agencies provided for in Article~~
- 7 ~~IV (except Section 20 thereof) or Article VI of the California~~
- 8 ~~Constitution “Court day” means any day that a state court is open~~
- 9 ~~to conduct business.~~
- 10 (b) “Local agency” includes a county; city, whether general
- 11 law or chartered; city and county; school district; municipal
- 12 corporation; district; political subdivision; or any board,
- 13 commission or agency thereof; other local public agency; or
- 14 entities that are legislative bodies of a local agency pursuant to
- 15 subdivisions (c) and (d) of Section 54952.
- 16 (c) “Member of the public” means any person, except a
- 17 member, agent, officer, or employee of a federal, state, or local
- 18 agency acting within the scope of his or her membership, agency,
- 19 office, or employment.
- 20 (d) “Person” includes any natural person, corporation,
- 21 partnership, limited liability company, firm, or association.
- 22 ~~(d)~~
- 23 (e) “Public agency” means any state or local agency.
- 24 ~~(e)~~
- 25 (f) “Public records” includes any writing containing
- 26 information relating to the conduct of the public’s business



1 prepared, owned, used, or retained by any state or local agency  
2 regardless of physical form or characteristics. “Public records” in  
3 the custody of, or maintained by, the Governor’s office means any  
4 writing prepared on or after January 6, 1975.

5 ~~(f)~~

6 (g) “State agency” means every state office, officer,  
7 department, division, bureau, board, and commission or other  
8 state body or agency, except those agencies provided for in Article  
9 IV (except Section 20 thereof) or Article VI of the California  
10 Constitution.

11 (h) “Writing” means any handwriting, typewriting, printing,  
12 photostating, photographing, photocopying, transmitting by  
13 electronic mail or facsimile, and every other means of recording  
14 upon any tangible thing any form of communication or  
15 representation, including letters, words, pictures, sounds, or  
16 symbols, or combinations thereof, and any record thereby created,  
17 regardless of the manner in which the record has been stored.

18 ~~(g) “Member of the public” means any person, except a~~  
19 ~~member, agent, officer, or employee of a federal, state, or local~~  
20 ~~agency acting within the scope of his or her membership, agency,~~  
21 ~~office, or employment.~~

22 SEC. 2. Section 6253 of the Government Code is amended to  
23 read:

24 6253. (a) Public records are open to inspection at all times  
25 during the office hours of the state or local agency and every  
26 person has a right to inspect any public record, except as hereafter  
27 provided. Any reasonably segregable portion of a record shall be  
28 available for inspection by any person requesting the record after  
29 deletion of the portions that are exempted by law.

30 (b) Except with respect to public records exempt from  
31 disclosure by express provisions of law, each state or local agency,  
32 upon a request for a copy of records that reasonably describes an  
33 identifiable record or records, shall make the records promptly  
34 available to any person upon payment of fees covering direct costs  
35 of duplication, or a statutory fee if applicable. Upon request, an  
36 exact copy shall be provided unless impracticable to do so.

37 (c) Each agency, upon a request for a copy of records, shall,  
38 within ~~20~~ 10 court days from receipt of the request, determine  
39 whether the request, in whole or in part, seeks copies of disclosable  
40 public records in the possession of the agency and shall promptly



1 notify the person making the request of the determination and the  
2 reasons therefor. In unusual circumstances, the time limit  
3 prescribed in this section may be extended by written notice by the  
4 head of the agency or his or her designee to the person making the  
5 request, setting forth the reasons for the extension and the date on  
6 which a determination is expected to be dispatched. No notice shall  
7 specify a date that would result in an extension for more than 14  
8 days. When the agency dispatches the determination, and if the  
9 agency determines that the request seeks disclosable public  
10 records, the agency shall state the estimated date and time when the  
11 records will be made available. As used in this section, “unusual  
12 circumstances” means the following, but only to the extent  
13 reasonably necessary to the proper processing of the particular  
14 request:

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

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

21 (3) The need for consultation, which shall be conducted with  
22 all practicable speed, with another agency having substantial  
23 interest in the determination of the request or among two or more  
24 components of the agency having substantial subject matter  
25 interest therein.

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

29 (d) Nothing in this chapter shall be construed to permit an  
30 agency to delay or obstruct the inspection or copying of public  
31 records. The notification of denial of any request for records  
32 required by Section 6255 shall set forth the names and titles or  
33 positions of each person responsible for the denial.

34 (e) Except as otherwise prohibited by law, a state or local  
35 agency may adopt requirements for itself that allow for faster,  
36 more efficient, or greater access to records than prescribed by the  
37 minimum standards set forth in this chapter.

38 ~~SEC. 2.—Section 6254 of the Government Code is amended to~~  
39 ~~read:~~



1 ~~6254. Except as provided in Sections 6254.7 and 6254.13,~~  
2 ~~nothing in this chapter shall be construed to require disclosure of~~  
3 ~~records that are any of the following:~~

4 ~~(a) Preliminary drafts, notes, or interagency or intra-agency~~  
5 ~~memorandums that are not retained by the public agency in the~~  
6 ~~ordinary course of business, provided that the public interest in~~  
7 ~~withholding those records clearly outweighs the public interest in~~  
8 ~~disclosure.~~

9 ~~(b) Records pertaining to pending litigation to which the public~~  
10 ~~agency is a party, or to claims made pursuant to Division 3.6~~  
11 ~~(commencing with Section 810), until the pending litigation or~~  
12 ~~claim has been finally adjudicated or otherwise settled.~~

13 ~~(c) Personnel, medical, or similar files, the disclosure of which~~  
14 ~~would constitute an unwarranted invasion of personal privacy.~~

15 ~~(d) Contained in or related to any of the following:~~

16 ~~(1) Applications filed with any state agency responsible for the~~  
17 ~~regulation or supervision of the issuance of securities or of~~  
18 ~~financial institutions, including, but not limited to, banks, savings~~  
19 ~~and loan associations, industrial loan companies, credit unions,~~  
20 ~~and insurance companies.~~

21 ~~(2) Examination, operating, or condition reports prepared by,~~  
22 ~~on behalf of, or for the use of, any state agency referred to in~~  
23 ~~paragraph (1).~~

24 ~~(3) Preliminary drafts, notes, or interagency or intra-agency~~  
25 ~~communications prepared by, on behalf of, or for the use of, any~~  
26 ~~state agency referred to in paragraph (1).~~

27 ~~(4) Information received in confidence by any state agency~~  
28 ~~referred to in paragraph (1).~~

29 ~~(e) Geological and geophysical data, plant production data, and~~  
30 ~~similar information relating to utility systems development, or~~  
31 ~~market or crop reports, that are obtained in confidence from any~~  
32 ~~person.~~

33 ~~(f) Records of complaints to, or investigations conducted by, or~~  
34 ~~records of intelligence information or security procedures of, the~~  
35 ~~office of the Attorney General and the Department of Justice, and~~  
36 ~~any state or local police agency, or any investigatory or security~~  
37 ~~files compiled by any other state or local police agency, or any~~  
38 ~~investigatory or security files compiled by any other state or local~~  
39 ~~agency for correctional, law enforcement, or licensing purposes,~~  
40 ~~except that state and local law enforcement agencies shall disclose~~



1 ~~the names and addresses of persons involved in, or witnesses other~~  
2 ~~than confidential informants to, the incident, the description of any~~  
3 ~~property involved, the date, time, and location of the incident, all~~  
4 ~~diagrams, statements of the parties involved in the incident, the~~  
5 ~~statements of all witnesses, other than confidential informants, to~~  
6 ~~the victims of an incident, or an authorized representative thereof,~~  
7 ~~an insurance carrier against which a claim has been or might be~~  
8 ~~made, and any person suffering bodily injury or property damage~~  
9 ~~or loss, as the result of the incident caused by arson, burglary, fire,~~  
10 ~~explosion, larceny, robbery, carjacking, vandalism, vehicle theft,~~  
11 ~~or a crime as defined by subdivision (c) of Section 13960, unless~~  
12 ~~the disclosure would endanger the safety of a witness or other~~  
13 ~~person involved in the investigation, or unless disclosure would~~  
14 ~~endanger the successful completion of the investigation or a~~  
15 ~~related investigation. However, nothing in this division shall~~  
16 ~~require the disclosure of that portion of those investigative files~~  
17 ~~that reflect the analysis or conclusions of the investigating officer.~~

18 ~~Notwithstanding any other provision of this subdivision, state~~  
19 ~~and local law enforcement agencies shall make public the~~  
20 ~~following information, except to the extent that disclosure of a~~  
21 ~~particular item of information would endanger the safety of a~~  
22 ~~person involved in an investigation or would endanger the~~  
23 ~~successful completion of the investigation or a related~~  
24 ~~investigation:~~

25 ~~(1) The full name and occupation of every individual arrested~~  
26 ~~by the agency, the individual's physical description including date~~  
27 ~~of birth, color of eyes and hair, sex, height and weight, the time and~~  
28 ~~date of arrest, the time and date of booking, the location of the~~  
29 ~~arrest, the factual circumstances surrounding the arrest, the~~  
30 ~~amount of bail set, the time and manner of release or the location~~  
31 ~~where the individual is currently being held, and all charges the~~  
32 ~~individual is being held upon, including any outstanding warrants~~  
33 ~~from other jurisdictions and parole or probation holds.~~

34 ~~(2) Subject to the restrictions imposed by Section 841.5 of the~~  
35 ~~Penal Code, the time, substance, and location of all complaints or~~  
36 ~~requests for assistance received by the agency and the time and~~  
37 ~~nature of the response thereto, including, to the extent the~~  
38 ~~information regarding crimes alleged or committed or any other~~  
39 ~~incident investigated is recorded, the time, date, and location of~~  
40 ~~occurrence, the time and date of the report, the name and age of the~~



1 victim, the factual circumstances surrounding the crime or  
2 incident, and a general description of any injuries, property, or  
3 weapons involved. The name of a victim of any crime defined by  
4 Section 220, 261, 261.5, 262, 264, 264.1, 273a, 273d, 273.5, 286,  
5 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code  
6 may be withheld at the victim's request, or at the request of the  
7 victim's parent or guardian if the victim is a minor. When a person  
8 is the victim of more than one crime, information disclosing that  
9 the person is a victim of a crime defined by Section 220, 261,  
10 261.5, 262, 264, 264.1, 273a, 273d, 286, 288, 288a, 289, 422.6,  
11 422.7, 422.75, or 646.9 of the Penal Code may be deleted at the  
12 request of the victim, or the victim's parent or guardian if the  
13 victim is a minor, in making the report of the crime, or of any crime  
14 or incident accompanying the crime, available to the public in  
15 compliance with the requirements of this paragraph.

16 (3) Subject to the restrictions of Section 841.5 of the Penal  
17 Code and this subdivision, the current address of every individual  
18 arrested by the agency and the current address of the victim of a  
19 crime, where the requester declares under penalty of perjury that  
20 the request is made for a scholarly, journalistic, political, or  
21 governmental purpose, or that the request is made for investigation  
22 purposes by a licensed private investigator as described in Chapter  
23 11.3 (commencing with Section 7512) of Division 3 of the  
24 Business and Professions Code, except that the address of the  
25 victim of any crime defined by Section 220, 261, 261.5, 262, 264,  
26 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7,  
27 422.75, or 646.9 of the Penal Code shall remain confidential.  
28 Unless the written permission of the arrestee or victim is obtained,  
29 address information obtained pursuant to this paragraph shall  
30 remain in the physical possession of the requester and may not be  
31 provided to anyone, used directly or indirectly to furnish or sell a  
32 product or service to any individual or group of individuals, posted  
33 on a computer Web site for any purpose, or otherwise published;  
34 and the requester shall execute a declaration to that effect under  
35 penalty of perjury.

36 (g) Test questions, scoring keys, and other examination data  
37 used to administer a licensing examination, examination for  
38 employment, or academic examination, except as provided for in  
39 Chapter 3 (commencing with Section 99150) of Part 65 of the  
40 Education Code.



1 ~~(h) The contents of real estate appraisals or engineering or~~  
2 ~~feasibility estimates and evaluations made for or by the state or~~  
3 ~~local agency relative to the acquisition of property, or to~~  
4 ~~prospective public supply and construction contracts, until all of~~  
5 ~~the property has been acquired or all of the contract agreement~~  
6 ~~obtained. However, the law of eminent domain shall not be~~  
7 ~~affected by this provision.~~

8 ~~(i) Information required from any taxpayer in connection with~~  
9 ~~the collection of local taxes that is received in confidence and the~~  
10 ~~disclosure of the information to other persons would result in~~  
11 ~~unfair competitive disadvantage to the person supplying the~~  
12 ~~information.~~

13 ~~(j) Library circulation records kept for the purpose of~~  
14 ~~identifying the borrower of items available in libraries, and library~~  
15 ~~and museum materials made or acquired and presented solely for~~  
16 ~~reference or exhibition purposes. The exemption in this~~  
17 ~~subdivision shall not apply to records of fines imposed on the~~  
18 ~~borrowers.~~

19 ~~(k) Records, the disclosure of which is exempted or prohibited~~  
20 ~~pursuant to federal or state law, including, but not limited to,~~  
21 ~~provisions of the Evidence Code relating to privilege.~~

22 ~~(l) Correspondence of and to the Governor or employees of the~~  
23 ~~Governor's office or in the custody of or maintained by the~~  
24 ~~Governor's legal affairs secretary, provided that public records~~  
25 ~~shall not be transferred to the custody of the Governor's Legal~~  
26 ~~Affairs Secretary to evade the disclosure provisions of this chapter.~~

27 ~~(m) In the custody of or maintained by the Legislative Counsel,~~  
28 ~~except those records in the public database maintained by the~~  
29 ~~Legislative Counsel that are described in Section 10248.~~

30 ~~(n) Statements of personal worth or personal financial data~~  
31 ~~required by a licensing agency and filed by an applicant with the~~  
32 ~~licensing agency to establish his or her personal qualification for~~  
33 ~~the license, certificate, or permit applied for.~~

34 ~~(o) Financial data contained in applications for financing under~~  
35 ~~Division 27 (commencing with Section 44500) of the Health and~~  
36 ~~Safety Code, where an authorized officer of the California~~  
37 ~~Pollution Control Financing Authority determines that disclosure~~  
38 ~~of the financial data would be competitively injurious to the~~  
39 ~~applicant and the data is required in order to obtain guarantees~~  
40 ~~from the United States Small Business Administration. The~~



1 California Pollution Control Financing Authority shall adopt rules  
2 for review of individual requests for confidentiality under this  
3 section and for making available to the public those portions of an  
4 application that are subject to disclosure under this chapter.

5 ~~(p) Records of state agencies related to activities governed by  
6 Chapter 10.3 (commencing with Section 3512), Chapter 10.5  
7 (commencing with Section 3525), and Chapter 12 (commencing  
8 with Section 3560) of Division 4 of Title 1, that reveal a state  
9 agency's deliberative processes, impressions, evaluations,  
10 opinions, recommendations, meeting minutes, research, work  
11 products, theories, or strategy, or that provide instruction, advice,  
12 or training to employees who do not have full collective bargaining  
13 and representation rights under these chapters. Nothing in this  
14 subdivision shall be construed to limit the disclosure duties of a  
15 state agency with respect to any other records relating to the  
16 activities governed by the employee relations acts referred to in  
17 this subdivision.~~

18 ~~(q) Records of state agencies related to activities governed by  
19 Article 2.6 (commencing with Section 14081), Article 2.8  
20 (commencing with Section 14087.5), and Article 2.91  
21 (commencing with Section 14089) of Chapter 7 of Part 3 of  
22 Division 9 of the Welfare and Institutions Code, that reveal the  
23 special negotiator's deliberative processes, discussions,  
24 communications, or any other portion of the negotiations with  
25 providers of health care services, impressions, opinions,  
26 recommendations, meeting minutes, research, work product,  
27 theories, or strategy, or that provide instruction, advice, or training  
28 to employees.~~

29 Except for the portion of a contract containing the rates of  
30 payment, contracts for inpatient services entered into pursuant to  
31 these articles, on or after April 1, 1984, shall be open to inspection  
32 one year after they are fully executed. In the event that a contract  
33 for inpatient services that is entered into prior to April 1, 1984, is  
34 amended on or after April 1, 1984, the amendment, except for any  
35 portion containing the rates of payment, shall be open to inspection  
36 one year after it is fully executed. If the California Medical  
37 Assistance Commission enters into contracts with health care  
38 providers for other than inpatient hospital services, those contracts  
39 shall be open to inspection one year after they are fully executed.



1 Three years after a contract or amendment is open to inspection  
2 under this subdivision, the portion of the contract or amendment  
3 containing the rates of payment shall be open to inspection.

4 Notwithstanding any other provision of law, the entire contract  
5 or amendment shall be open to inspection by the Joint Legislative  
6 Audit Committee. The committee shall maintain the  
7 confidentiality of the contracts and amendments until the time a  
8 contract or amendment is fully open to inspection by the public.

9 ~~(r) Records of Native American graves, cemeteries, and sacred  
10 places maintained by the Native American Heritage Commission.~~

11 ~~(s) A final accreditation report of the Joint Commission on  
12 Accreditation of Hospitals that has been transmitted to the State  
13 Department of Health Services pursuant to subdivision (b) of  
14 Section 1282 of the Health and Safety Code.~~

15 ~~(t) Records of a local hospital district, formed pursuant to  
16 Division 23 (commencing with Section 32000) of the Health and  
17 Safety Code, or the records of a municipal hospital, formed  
18 pursuant to Article 7 (commencing with Section 37600) or Article  
19 8 (commencing with Section 37650) of Chapter 5 of Division 3 of  
20 Title 4 of this code, that relate to any contract with an insurer or  
21 nonprofit hospital service plan for inpatient or outpatient services  
22 for alternative rates pursuant to Section 10133 or 11512 of the  
23 Insurance Code. However, the record shall be open to inspection  
24 within one year after the contract is fully executed.~~

25 ~~(u) (1) Information contained in applications for licenses to  
26 carry firearms issued pursuant to Section 12050 of the Penal Code  
27 by the sheriff of a county or the chief or other head of a municipal  
28 police department that indicates when or where the applicant is  
29 vulnerable to attack or that concerns the applicant's medical or  
30 psychological history or that of members of his or her family.~~

31 ~~(2) The home address and telephone number of peace officers,  
32 judges, court commissioners, and magistrates that are set forth in  
33 applications for licenses to carry firearms issued pursuant to  
34 Section 12050 of the Penal Code by the sheriff of a county or the  
35 chief or other head of a municipal police department.~~

36 ~~(3) The home address and telephone number of peace officers,  
37 judges, court commissioners, and magistrates that are set forth in  
38 licenses to carry firearms issued pursuant to Section 12050 of the  
39 Penal Code by the sheriff of a county or the chief or other head of  
40 a municipal police department.~~



1 ~~(v) (1) Records of the Major Risk Medical Insurance Program~~  
2 ~~related to activities governed by Part 6.3 (commencing with~~  
3 ~~Section 12695) and Part 6.5 (commencing with Section 12700) of~~  
4 ~~Division 2 of the Insurance Code, and that reveal the deliberative~~  
5 ~~processes, discussions, communications, or any other portion of~~  
6 ~~the negotiations with health plans, or the impressions, opinions,~~  
7 ~~recommendations, meeting minutes, research, work product,~~  
8 ~~theories, or strategy of the board or its staff, or records that provide~~  
9 ~~instructions, advice, or training to employees.~~

10 ~~(2) (A) Except for the portion of a contract that contains the~~  
11 ~~rates of payment, contracts for health coverage entered into~~  
12 ~~pursuant to Part 6.3 (commencing with Section 12695) or Part 6.5~~  
13 ~~(commencing with Section 12700) of Division 2 of the Insurance~~  
14 ~~Code, on or after July 1, 1991, shall be open to inspection one year~~  
15 ~~after they have been fully executed.~~

16 ~~(B) In the event that a contract for health coverage that is~~  
17 ~~entered into prior to July 1, 1991, is amended on or after July 1,~~  
18 ~~1991, the amendment, except for any portion containing the rates~~  
19 ~~of payment, shall be open to inspection one year after the~~  
20 ~~amendment has been fully executed.~~

21 ~~(3) Three years after a contract or amendment is open to~~  
22 ~~inspection pursuant to this subdivision, the portion of the contract~~  
23 ~~or amendment containing the rates of payment shall be open to~~  
24 ~~inspection.~~

25 ~~(4) Notwithstanding any other provision of law, the entire~~  
26 ~~contract or amendments to a contract shall be open to inspection~~  
27 ~~by the Joint Legislative Audit Committee. The committee shall~~  
28 ~~maintain the confidentiality of the contracts and amendments~~  
29 ~~thereto, until the contract or amendments to a contract is open to~~  
30 ~~inspection pursuant to paragraph (3).~~

31 ~~(w) (1) Records of the Major Risk Medical Insurance Program~~  
32 ~~related to activities governed by Chapter 14 (commencing with~~  
33 ~~Section 10700) of Part 2 of Division 2 of the Insurance Code, and~~  
34 ~~that reveal the deliberative processes, discussions,~~  
35 ~~communications, or any other portion of the negotiations with~~  
36 ~~health plans, or the impressions, opinions, recommendations,~~  
37 ~~meeting minutes, research, work product, theories, or strategy of~~  
38 ~~the board or its staff, or records that provide instructions, advice,~~  
39 ~~or training to employees.~~



1 ~~(2) Except for the portion of a contract that contains the rates~~  
2 ~~of payment, contracts for health coverage entered into pursuant to~~  
3 ~~Chapter 14 (commencing with Section 10700) of Part 2 of~~  
4 ~~Division 2 of the Insurance Code, on or after January 1, 1993, shall~~  
5 ~~be open to inspection one year after they have been fully executed.~~

6 ~~(3) Notwithstanding any other provision of law, the entire~~  
7 ~~contract or amendments to a contract shall be open to inspection~~  
8 ~~by the Joint Legislative Audit Committee. The committee shall~~  
9 ~~maintain the confidentiality of the contracts and amendments~~  
10 ~~thereto, until the contract or amendments to a contract is open to~~  
11 ~~inspection pursuant to paragraph (2).~~

12 ~~(x) Financial data contained in applications for registration, or~~  
13 ~~registration renewal, as a service contractor filed with the Director~~  
14 ~~of the Department of Consumer Affairs pursuant to Chapter 20~~  
15 ~~(commencing with Section 9800) of Division 3 of the Business and~~  
16 ~~Professions Code, for the purpose of establishing the service~~  
17 ~~contractor's net worth, or financial data regarding the funded~~  
18 ~~accounts held in escrow for service contracts held in force in this~~  
19 ~~state by a service contractor.~~

20 ~~(y) (1) Records of the Managed Risk Medical Insurance Board~~  
21 ~~related to activities governed by Part 6.2 (commencing with~~  
22 ~~Section 12693) or Part 6.4 (commencing with Section 12699.50)~~  
23 ~~of Division 2 of the Insurance Code, and that reveal the~~  
24 ~~deliberative processes, discussions, communications, or any other~~  
25 ~~portion of the negotiations with health plans, or the impressions,~~  
26 ~~opinions, recommendations, meeting minutes, research, work~~  
27 ~~product, theories, or strategy of the board or its staff, or records~~  
28 ~~that provide instructions, advice, or training to employees.~~

29 ~~(2) (A) Except for the portion of a contract that contains the~~  
30 ~~rates of payment, contracts entered into pursuant to Part 6.2~~  
31 ~~(commencing with Section 12693) or Part 6.4 (commencing with~~  
32 ~~Section 12699.50) of Division 2 of the Insurance Code, on or after~~  
33 ~~January 1, 1998, shall be open to inspection one year after they~~  
34 ~~have been fully executed.~~

35 ~~(B) In the event that a contract entered into pursuant to Part 6.2~~  
36 ~~(commencing with Section 12693) or Part 6.4 (commencing with~~  
37 ~~Section 12699.50) of Division 2 of the Insurance Code is amended,~~  
38 ~~the amendment shall be open to inspection one year after the~~  
39 ~~amendment has been fully executed.~~



1 ~~(3) Three years after a contract or amendment is open to~~  
2 ~~inspection pursuant to this subdivision, the portion of the contract~~  
3 ~~or amendment containing the rates of payment shall be open to~~  
4 ~~inspection.~~

5 ~~(4) Notwithstanding any other provision of law, the entire~~  
6 ~~contract or amendments to a contract shall be open to inspection~~  
7 ~~by the Joint Legislative Audit Committee. The committee shall~~  
8 ~~maintain the confidentiality of the contracts and amendments~~  
9 ~~thereto until the contract or amendments to a contract are open to~~  
10 ~~inspection pursuant to paragraph (2) or (3).~~

11 ~~(5) The exemption from disclosure provided pursuant to this~~  
12 ~~subdivision for the contracts, deliberative processes, discussions,~~  
13 ~~communications, negotiations with health plans, impressions,~~  
14 ~~opinions, recommendations, meeting minutes, research, work~~  
15 ~~product, theories, or strategy of the board or its staff shall also~~  
16 ~~apply to the contracts, deliberative processes, discussions,~~  
17 ~~communications, negotiations with health plans, impressions,~~  
18 ~~opinions, recommendations, meeting minutes, research, work~~  
19 ~~product, theories, or strategy of applicants pursuant to Part 6.4~~  
20 ~~(commencing with Section 12699.50) of Division 2 of the~~  
21 ~~Insurance Code.~~

22 ~~(z) Records obtained pursuant to paragraph (2) of subdivision~~  
23 ~~(e) of Section 2891.1 of the Public Utilities Code.~~

24 ~~(aa) A document prepared by a local agency that assesses its~~  
25 ~~vulnerability to terrorist attack or other criminal acts intended to~~  
26 ~~disrupt the public agency's operations and that is for distribution~~  
27 ~~or consideration in a closed session.~~

28 ~~(bb) (1) Records of the Managed Risk Medical Insurance~~  
29 ~~Board related to activities governed by Part 8.7 (commencing with~~  
30 ~~Section 2120) of Division 2 of the Labor Code, and that reveal the~~  
31 ~~deliberative processes, discussions, communications, or any other~~  
32 ~~portion of the negotiations with entities contracting or seeking to~~  
33 ~~contract with the board, or the impressions, opinions,~~  
34 ~~recommendations, meeting minutes, research, work product,~~  
35 ~~theories, or strategy of the board or its staff, or records that provide~~  
36 ~~instructions, advice, or training to employees.~~

37 ~~(2) (A) Except for the portion of a contract that contains the~~  
38 ~~rates of payment, contracts entered into pursuant to Part 8.7~~  
39 ~~(commencing with Section 2120) of Division 2 of the Labor Code~~



1 ~~on or after January 1, 2004, shall be open to inspection one year~~  
2 ~~after they have been fully executed.~~

3 ~~(B) In the event that a contract entered into pursuant to Part 8.7~~  
4 ~~(commencing with Section 2120) of Division 2 of the Labor Code~~  
5 ~~is amended, the amendment shall be open to inspection one year~~  
6 ~~after the amendment has been fully executed.~~

7 ~~(3) Three years after a contract or amendment is open to~~  
8 ~~inspection pursuant to this subdivision, the portion of the contract~~  
9 ~~or amendment containing the rates of payment shall be open to~~  
10 ~~inspection.~~

11 ~~(4) Notwithstanding any other provision of law, the entire~~  
12 ~~contract or amendments to a contract shall be open to inspection~~  
13 ~~by the Joint Legislative Audit Committee. The committee shall~~  
14 ~~maintain the confidentiality of the contracts and amendments~~  
15 ~~thereto until the contract or amendments to a contract are open to~~  
16 ~~inspection pursuant to paragraph (2) or (3).~~

17 ~~Nothing in this section prevents any agency from opening its~~  
18 ~~records concerning the administration of the agency to public~~  
19 ~~inspection, unless disclosure is otherwise prohibited by law.~~

20 ~~Nothing in this section prevents any health facility from~~  
21 ~~disclosing to a certified bargaining agent relevant financing~~  
22 ~~information pursuant to Section 8 of the National Labor Relations~~  
23 ~~Act.~~

24 *SEC. 3. Section 6254 of the Government Code is amended to*  
25 *read:*

26 6254. Except as provided in Sections 6254.7 and 6254.13,  
27 nothing in this chapter shall be construed to require disclosure of  
28 records that are any of the following:

29 (a) Preliminary drafts, notes, or interagency or intra-agency  
30 memoranda that are not retained by the public agency in the  
31 ordinary course of business, provided that the public interest in  
32 withholding those records clearly outweighs the public interest in  
33 disclosure.

34 (b) Records pertaining to pending litigation to which the public  
35 agency is a party, or to claims made pursuant to Division 3.6  
36 (commencing with Section 810), until the pending litigation or  
37 claim has been finally adjudicated or otherwise settled.

38 (c) Personnel, medical, or similar files, the disclosure of which  
39 would constitute an unwarranted invasion of personal privacy.

40 (d) Contained in or related to any of the following:



1 (1) Applications filed with any state agency responsible for the  
2 regulation or supervision of the issuance of securities or of  
3 financial institutions, including, but not limited to, banks, savings  
4 and loan associations, industrial loan companies, credit unions,  
5 and insurance companies.

6 (2) Examination, operating, or condition reports prepared by,  
7 on behalf of, or for the use of, any state agency referred to in  
8 paragraph (1).

9 (3) Preliminary drafts, notes, or interagency or intra-agency  
10 communications prepared by, on behalf of, or for the use of, any  
11 state agency referred to in paragraph (1).

12 (4) Information received in confidence by any state agency  
13 referred to in paragraph (1).

14 (e) Geological and geophysical data, plant production data, and  
15 similar information relating to utility systems development, or  
16 market or crop reports, that are obtained in confidence from any  
17 person.

18 (f) Records of complaints to, or investigations conducted by, or  
19 records of intelligence information or security procedures of, the  
20 office of the Attorney General and the Department of Justice, and  
21 any state or local police agency, or any investigatory or security  
22 files compiled by any other state or local police agency, or any  
23 investigatory or security files compiled by any other state or local  
24 agency for correctional, law enforcement, or licensing purposes,  
25 except that state and local law enforcement agencies shall disclose  
26 the names and addresses of persons involved in, or witnesses other  
27 than confidential informants to, the incident, the description of any  
28 property involved, the date, time, and location of the incident, all  
29 diagrams, statements of the parties involved in the incident, the  
30 statements of all witnesses, other than confidential informants, to  
31 the victims of an incident, or an authorized representative thereof,  
32 an insurance carrier against which a claim has been or might be  
33 made, and any person suffering bodily injury or property damage  
34 or loss, as the result of the incident caused by arson, burglary, fire,  
35 explosion, larceny, robbery, carjacking, vandalism, vehicle theft,  
36 or a crime as defined by subdivision (b) of Section 13951, unless  
37 the disclosure would endanger the safety of a witness or other  
38 person involved in the investigation, or unless disclosure would  
39 endanger the successful completion of the investigation or a  
40 related investigation. However, nothing in this division shall



1 require the disclosure of that portion of those investigative files  
2 that reflect the analysis or conclusions of the investigating officer.

3 Customer lists provided to a state or local police agency by an  
4 alarm or security company at the request of the agency shall be  
5 construed to be records subject to this subdivision.

6 Notwithstanding any other provision of this subdivision, state  
7 and local law enforcement agencies shall make public the  
8 following information, except to the extent that disclosure of a  
9 particular item of information would endanger the safety of a  
10 person involved in an investigation or would endanger the  
11 successful completion of the investigation or a related  
12 investigation:

13 (1) The full name and occupation of every individual arrested  
14 by the agency, the individual's physical description including date  
15 of birth, color of eyes and hair, sex, height and weight, the time and  
16 date of arrest, the time and date of booking, the location of the  
17 arrest, the factual circumstances surrounding the arrest, the  
18 amount of bail set, the time and manner of release or the location  
19 where the individual is currently being held, and all charges the  
20 individual is being held upon, including any outstanding warrants  
21 from other jurisdictions and parole or probation holds.

22 (2) Subject to the restrictions imposed by Section 841.5 of the  
23 Penal Code, the time, substance, and location of all complaints or  
24 requests for assistance received by the agency and the time and  
25 nature of the response thereto, including, to the extent the  
26 information regarding crimes alleged or committed or any other  
27 incident investigated is recorded, the time, date, and location of  
28 occurrence, the time and date of the report, the name and age of the  
29 victim, the factual circumstances surrounding the crime or  
30 incident, and a general description of any injuries, property, or  
31 weapons involved. The name of a victim of any crime defined by  
32 Section 220, 261, 261.5, 262, 264, 264.1, 273a, 273d, 273.5, 286,  
33 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code  
34 may be withheld at the victim's request, or at the request of the  
35 victim's parent or guardian if the victim is a minor. When a person  
36 is the victim of more than one crime, information disclosing that  
37 the person is a victim of a crime defined by Section 220, 261,  
38 261.5, 262, 264, 264.1, 273a, 273d, 286, 288, 288a, 289, 422.6,  
39 422.7, 422.75, or 646.9 of the Penal Code may be deleted at the  
40 request of the victim, or the victim's parent or guardian if the



1 victim is a minor, in making the report of the crime, or of any crime  
2 or incident accompanying the crime, available to the public in  
3 compliance with the requirements of this paragraph.

4 (3) Subject to the restrictions of Section 841.5 of the Penal  
5 Code and this subdivision, the current address of every individual  
6 arrested by the agency and the current address of the victim of a  
7 crime, where the requester declares under penalty of perjury that  
8 the request is made for a scholarly, journalistic, political, or  
9 governmental purpose, or that the request is made for investigation  
10 purposes by a licensed private investigator as described in Chapter  
11 11.3 (commencing with Section 7512) of Division 3 of the  
12 Business and Professions Code, except that the address of the  
13 victim of any crime defined by Section 220, 261, 261.5, 262, 264,  
14 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7,  
15 422.75, or 646.9 of the Penal Code shall remain confidential.  
16 Address information obtained pursuant to this paragraph ~~shall~~  
17 *may not be used directly or indirectly, or furnished to another,* to  
18 sell a product or service to any individual or group of individuals,  
19 and the requester shall execute a declaration to that effect under  
20 penalty of perjury.

21 (g) Test questions, scoring keys, and other examination data  
22 used to administer a licensing examination, examination for  
23 employment, or academic examination, except as provided for in  
24 Chapter 3 (commencing with Section 99150) of Part 65 of the  
25 Education Code.

26 (h) The contents of real estate appraisals or engineering or  
27 feasibility estimates and evaluations made for or by the state or  
28 local agency relative to the acquisition of property, or to  
29 prospective public supply and construction contracts, until all of  
30 the property has been acquired or all of the contract agreement  
31 obtained. However, the law of eminent domain shall not be  
32 affected by this provision.

33 (i) Information required from any taxpayer in connection with  
34 the collection of local taxes that is received in confidence and the  
35 disclosure of the information to other persons would result in  
36 unfair competitive disadvantage to the person supplying the  
37 information.

38 (j) Library circulation records kept for the purpose of  
39 identifying the borrower of items available in libraries, and library  
40 and museum materials made or acquired and presented solely for



1 reference or exhibition purposes. The exemption in this  
2 subdivision shall not apply to records of fines imposed on the  
3 borrowers.

4 (k) Records, the disclosure of which is exempted or prohibited  
5 pursuant to federal or state law, including, but not limited to,  
6 provisions of the Evidence Code relating to privilege.

7 (l) Correspondence of and to the Governor or employees of the  
8 Governor's office or in the custody of or maintained by the  
9 Governor's Legal Affairs Secretary, provided that public records  
10 shall not be transferred to the custody of the Governor's Legal  
11 Affairs Secretary to evade the disclosure provisions of this chapter.

12 (m) In the custody of or maintained by the Legislative Counsel,  
13 except those records in the public database maintained by the  
14 Legislative Counsel that are described in Section 10248.

15 (n) Statements of personal worth or personal financial data  
16 required by a licensing agency and filed by an applicant with the  
17 licensing agency to establish his or her personal qualification for  
18 the license, certificate, or permit applied for.

19 (o) Financial data contained in applications for financing under  
20 Division 27 (commencing with Section 44500) of the Health and  
21 Safety Code, where an authorized officer of the California  
22 Pollution Control Financing Authority determines that disclosure  
23 of the financial data would be competitively injurious to the  
24 applicant and the data is required in order to obtain guarantees  
25 from the United States Small Business Administration. The  
26 California Pollution Control Financing Authority shall adopt rules  
27 for review of individual requests for confidentiality under this  
28 section and for making available to the public those portions of an  
29 application that are subject to disclosure under this chapter.

30 (p) Records of state agencies related to activities governed by  
31 Chapter 10.3 (commencing with Section 3512), Chapter 10.5  
32 (commencing with Section 3525), and Chapter 12 (commencing  
33 with Section 3560) of Division 4 of Title 1, that reveal a state  
34 agency's deliberative processes, impressions, evaluations,  
35 opinions, recommendations, meeting minutes, research, work  
36 products, theories, or strategy, or that provide instruction, advice,  
37 or training to employees who do not have full collective bargaining  
38 and representation rights under these chapters. Nothing in this  
39 subdivision shall be construed to limit the disclosure duties of a  
40 state agency with respect to any other records relating to the



1 activities governed by the employee relations acts referred to in  
2 this subdivision.

3 (q) Records of state agencies related to activities governed by  
4 Article 2.6 (commencing with Section 14081), Article 2.8  
5 (commencing with Section 14087.5), and Article 2.91  
6 (commencing with Section 14089) of Chapter 7 of Part 3 of  
7 Division 9 of the Welfare and Institutions Code, that reveal the  
8 special negotiator's deliberative processes, discussions,  
9 communications, or any other portion of the negotiations with  
10 providers of health care services, impressions, opinions,  
11 recommendations, meeting minutes, research, work product,  
12 theories, or strategy, or that provide instruction, advice, or training  
13 to employees.

14 Except for the portion of a contract containing the rates of  
15 payment, contracts for inpatient services entered into pursuant to  
16 these articles, on or after April 1, 1984, shall be open to inspection  
17 one year after they are fully executed. In the event that a contract  
18 for inpatient services that is entered into prior to April 1, 1984, is  
19 amended on or after April 1, 1984, the amendment, except for any  
20 portion containing the rates of payment, shall be open to inspection  
21 one year after it is fully executed. If the California Medical  
22 Assistance Commission enters into contracts with health care  
23 providers for other than inpatient hospital services, those contracts  
24 shall be open to inspection one year after they are fully executed.

25 Three years after a contract or amendment is open to inspection  
26 under this subdivision, the portion of the contract or amendment  
27 containing the rates of payment shall be open to inspection.

28 Notwithstanding any other provision of law, the entire contract  
29 or amendment shall be open to inspection by the Joint Legislative  
30 Audit Committee. The committee shall maintain the  
31 confidentiality of the contracts and amendments until the time a  
32 contract or amendment is fully open to inspection by the public.

33 (r) Records of Native American graves, cemeteries, and sacred  
34 places maintained by the Native American Heritage Commission.

35 (s) A final accreditation report of the Joint Commission on  
36 Accreditation of Hospitals that has been transmitted to the State  
37 Department of Health Services pursuant to subdivision (b) of  
38 Section 1282 of the Health and Safety Code.

39 (t) Records of a local hospital district, formed pursuant to  
40 Division 23 (commencing with Section 32000) of the Health and



1 Safety Code, or the records of a municipal hospital, formed  
2 pursuant to Article 7 (commencing with Section 37600) or Article  
3 8 (commencing with Section 37650) of Chapter 5 of Division 3 of  
4 Title 4 of this code, that relate to any contract with an insurer or  
5 nonprofit hospital service plan for inpatient or outpatient services  
6 for alternative rates pursuant to Section 10133 or 11512 of the  
7 Insurance Code. However, the record shall be open to inspection  
8 within one year after the contract is fully executed.

9 (u) (1) Information contained in applications for licenses to  
10 carry firearms issued pursuant to Section 12050 of the Penal Code  
11 by the sheriff of a county or the chief or other head of a municipal  
12 police department that indicates when or where the applicant is  
13 vulnerable to attack or that concerns the applicant's medical or  
14 psychological history or that of members of his or her family.

15 (2) The home address and telephone number of peace officers,  
16 judges, court commissioners, and magistrates that are set forth in  
17 applications for licenses to carry firearms issued pursuant to  
18 Section 12050 of the Penal Code by the sheriff of a county or the  
19 chief or other head of a municipal police department.

20 (3) The home address and telephone number of peace officers,  
21 judges, court commissioners, and magistrates that are set forth in  
22 licenses to carry firearms issued pursuant to Section 12050 of the  
23 Penal Code by the sheriff of a county or the chief or other head of  
24 a municipal police department.

25 (v) (1) Records of the Major Risk Medical Insurance Program  
26 related to activities governed by Part 6.3 (commencing with  
27 Section 12695) and Part 6.5 (commencing with Section 12700) of  
28 Division 2 of the Insurance Code, and that reveal the deliberative  
29 processes, discussions, communications, or any other portion of  
30 the negotiations with health plans, or the impressions, opinions,  
31 recommendations, meeting minutes, research, work product,  
32 theories, or strategy of the board or its staff, or records that provide  
33 instructions, advice, or training to employees.

34 (2) (A) Except for the portion of a contract that contains the  
35 rates of payment, contracts for health coverage entered into  
36 pursuant to Part 6.3 (commencing with Section 12695) or Part 6.5  
37 (commencing with Section 12700) of Division 2 of the Insurance  
38 Code, on or after July 1, 1991, shall be open to inspection one year  
39 after they have been fully executed.



1 (B) In the event that a contract for health coverage that is  
2 entered into prior to July 1, 1991, is amended on or after July 1,  
3 1991, the amendment, except for any portion containing the rates  
4 of payment, shall be open to inspection one year after the  
5 amendment has been fully executed.

6 (3) Three years after a contract or amendment is open to  
7 inspection pursuant to this subdivision, the portion of the contract  
8 or amendment containing the rates of payment shall be open to  
9 inspection.

10 (4) Notwithstanding any other provision of law, the entire  
11 contract or amendments to a contract shall be open to inspection  
12 by the Joint Legislative Audit Committee. The committee shall  
13 maintain the confidentiality of the contracts and amendments  
14 thereto, until the contract or amendments to a contract is open to  
15 inspection pursuant to paragraph (3).

16 (w) (1) Records of the Major Risk Medical Insurance Program  
17 related to activities governed by Chapter 14 (commencing with  
18 Section 10700) of Part 2 of Division 2 of the Insurance Code, and  
19 that reveal the deliberative processes, discussions,  
20 communications, or any other portion of the negotiations with  
21 health plans, or the impressions, opinions, recommendations,  
22 meeting minutes, research, work product, theories, or strategy of  
23 the board or its staff, or records that provide instructions, advice,  
24 or training to employees.

25 (2) Except for the portion of a contract that contains the rates  
26 of payment, contracts for health coverage entered into pursuant to  
27 Chapter 14 (commencing with Section 10700) of Part 2 of  
28 Division 2 of the Insurance Code, on or after January 1, 1993, shall  
29 be open to inspection one year after they have been fully executed.

30 (3) Notwithstanding any other provision of law, the entire  
31 contract or amendments to a contract shall be open to inspection  
32 by the Joint Legislative Audit Committee. The committee shall  
33 maintain the confidentiality of the contracts and amendments  
34 thereto, until the contract or amendments to a contract is open to  
35 inspection pursuant to paragraph (2).

36 (x) Financial data contained in applications for registration, or  
37 registration renewal, as a service contractor filed with the Director  
38 of the Department of Consumer Affairs pursuant to Chapter 20  
39 (commencing with Section 9800) of Division 3 of the Business and  
40 Professions Code, for the purpose of establishing the service



1 contractor's net worth, or financial data regarding the funded  
2 accounts held in escrow for service contracts held in force in this  
3 state by a service contractor.

4 (y) (1) Records of the Managed Risk Medical Insurance Board  
5 related to activities governed by Part 6.2 (commencing with  
6 Section 12693) or Part 6.4 (commencing with Section 12699.50)  
7 of Division 2 of the Insurance Code, and that reveal the  
8 deliberative processes, discussions, communications, or any other  
9 portion of the negotiations with health plans, or the impressions,  
10 opinions, recommendations, meeting minutes, research, work  
11 product, theories, or strategy of the board or its staff, or records  
12 that provide instructions, advice, or training to employees.

13 (2) (A) Except for the portion of a contract that contains the  
14 rates of payment, contracts entered into pursuant to Part 6.2  
15 (commencing with Section 12693) or Part 6.4 (commencing with  
16 Section 12699.50) of Division 2 of the Insurance Code, on or after  
17 January 1, 1998, shall be open to inspection one year after they  
18 have been fully executed.

19 (B) In the event that a contract entered into pursuant to Part 6.2  
20 (commencing with Section 12693) or Part 6.4 (commencing with  
21 Section 12699.50) of Division 2 of the Insurance Code is amended,  
22 the amendment shall be open to inspection one year after the  
23 amendment has been fully executed.

24 (3) Three years after a contract or amendment is open to  
25 inspection pursuant to this subdivision, the portion of the contract  
26 or amendment containing the rates of payment shall be open to  
27 inspection.

28 (4) Notwithstanding any other provision of law, the entire  
29 contract or amendments to a contract shall be open to inspection  
30 by the Joint Legislative Audit Committee. The committee shall  
31 maintain the confidentiality of the contracts and amendments  
32 thereto until the contract or amendments to a contract are open to  
33 inspection pursuant to paragraph (2) or (3).

34 (5) The exemption from disclosure provided pursuant to this  
35 subdivision for the contracts, deliberative processes, discussions,  
36 communications, negotiations with health plans, impressions,  
37 opinions, recommendations, meeting minutes, research, work  
38 product, theories, or strategy of the board or its staff shall also  
39 apply to the contracts, deliberative processes, discussions,  
40 communications, negotiations with health plans, impressions,



1 opinions, recommendations, meeting minutes, research, work  
2 product, theories, or strategy of applicants pursuant to Part 6.4  
3 (commencing with Section 12699.50) of Division 2 of the  
4 Insurance Code.

5 (z) Records obtained pursuant to paragraph (2) of subdivision  
6 (c) of Section 2891.1 of the Public Utilities Code.

7 (aa) A document prepared by or for a state or local agency that  
8 assesses its vulnerability to terrorist attack or other criminal acts  
9 intended to disrupt the public agency's operations and that is for  
10 distribution or consideration in a closed session.

11 (bb) (1) Records of the Managed Risk Medical Insurance  
12 Board related to activities governed by Part 8.7 (commencing with  
13 Section 2120) of Division 2 of the Labor Code, and that reveal the  
14 deliberative processes, discussions, communications, or any other  
15 portion of the negotiations with entities contracting or seeking to  
16 contract with the board, or the impressions, opinions,  
17 recommendations, meeting minutes, research, work product,  
18 theories, or strategy of the board or its staff, or records that provide  
19 instructions, advice, or training to employees.

20 (2) (A) Except for the portion of a contract that contains the  
21 rates of payment, contracts entered into pursuant to Part 8.7  
22 (commencing with Section 2120) of Division 2 of the Labor Code  
23 on or after January 1, 2004, shall be open to inspection one year  
24 after they have been fully executed.

25 (B) In the event that a contract entered into pursuant to Part 8.7  
26 (commencing with Section 2120) of Division 2 of the Labor Code  
27 is amended, the amendment shall be open to inspection one year  
28 after the amendment has been fully executed.

29 (3) Three years after a contract or amendment is open to  
30 inspection pursuant to this subdivision, the portion of the contract  
31 or amendment containing the rates of payment shall be open to  
32 inspection.

33 (4) Notwithstanding any other provision of law, the entire  
34 contract or amendments to a contract shall be open to inspection  
35 by the Joint Legislative Audit Committee. The committee shall  
36 maintain the confidentiality of the contracts and amendments  
37 thereto until the contract or amendments to a contract are open to  
38 inspection pursuant to paragraph (2) or (3).



1 Nothing in this section prevents any agency from opening its  
2 records concerning the administration of the agency to public  
3 inspection, unless disclosure is otherwise prohibited by law.

4 Nothing in this section prevents any health facility from  
5 disclosing to a certified bargaining agent relevant financing  
6 information pursuant to Section 8 of the National Labor Relations  
7 Act.

