

AMENDED IN SENATE JUNE 14, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2091

Introduced by Assembly Member Conway

February 18, 2010

An act to ~~amend Section 6254 of, and to add Section 6254.19 to, add Section 6254.19 to~~ the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 2091, as amended, Conway. Public records: information security.

The California Public Records Act requires state and local agencies to make their records available for public inspection and to make copies available upon request and payment of a fee unless those records are exempt from disclosure. ~~Investigatory or security files compiled by a public agency, as defined, for correctional, law enforcement, or licensing purposes are exempt from disclosure under the act.~~

This bill would exempt from disclosure under the act the *information security* records of a public agency ~~relating to information security and the investigatory or security files compiled by a public agency for information security purposes~~ *if disclosure of those records would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency.*

The California Constitution requires a statute limiting the public's right of access to information concerning the public's business to be adopted with findings demonstrating the interest protected and the need for protecting that interest.

This bill would make a legislative finding to that effect.

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 6254 of the Government Code is amended~~
2 ~~to read:~~
3 ~~6254. Except as provided in Sections 6254.7 and 6254.13,~~
4 ~~nothing in this chapter shall be construed to require disclosure of~~
5 ~~records that are any of the following:~~
6 ~~(a) Preliminary drafts, notes, or interagency or intra-agency~~
7 ~~memoranda that are not retained by the public agency in the~~
8 ~~ordinary course of business, if the public interest in withholding~~
9 ~~those records clearly outweighs the public interest in disclosure.~~
10 ~~(b) Records pertaining to pending litigation to which the public~~
11 ~~agency is a party, or to claims made pursuant to Division 3.6~~
12 ~~(commencing with Section 810), until the pending litigation or~~
13 ~~claim has been finally adjudicated or otherwise settled.~~
14 ~~(c) Personnel, medical, or similar files, the disclosure of which~~
15 ~~would constitute an unwarranted invasion of personal privacy.~~
16 ~~(d) Contained in or related to any of the following:~~
17 ~~(1) Applications filed with any state agency responsible for the~~
18 ~~regulation or supervision of the issuance of securities or of financial~~
19 ~~institutions, including, but not limited to, banks, savings and loan~~
20 ~~associations, industrial loan companies, credit unions, and~~
21 ~~insurance companies.~~
22 ~~(2) Examination, operating, or condition reports prepared by,~~
23 ~~on behalf of, or for the use of, any state agency referred to in~~
24 ~~paragraph (1).~~
25 ~~(3) Preliminary drafts, notes, or interagency or intra-agency~~
26 ~~communications prepared by, on behalf of, or for the use of, any~~
27 ~~state agency referred to in paragraph (1).~~
28 ~~(4) Information received in confidence by any state agency~~
29 ~~referred to in paragraph (1).~~
30 ~~(e) Geological and geophysical data, plant production data, and~~
31 ~~similar information relating to utility systems development, or~~
32 ~~market or crop reports, that are obtained in confidence from any~~
33 ~~person.~~
34 ~~(f) Records of complaints to, or investigations conducted by,~~
35 ~~or records of intelligence information or security procedures of,~~
36 ~~the office of the Attorney General and the Department of Justice,~~
37 ~~the California Emergency Management Agency, and any state or~~
38 ~~local police agency, or any investigatory or security files compiled~~

1 by any other state or local police agency, or any investigatory or
2 security files compiled by any other state or local agency for
3 correctional, information security, law enforcement, or licensing
4 purposes. However, state and local law enforcement agencies shall
5 disclose the names and addresses of persons involved in, or
6 witnesses other than confidential informants to, the incident, the
7 description of any property involved, the date, time, and location
8 of the incident, all diagrams, statements of the parties involved in
9 the incident, the statements of all witnesses, other than confidential
10 informants, to the victims of an incident, or an authorized
11 representative thereof, an insurance carrier against which a claim
12 has been or might be made, and any person suffering bodily injury
13 or property damage or loss, as the result of the incident caused by
14 arson, burglary, fire, explosion, larceny, robbery, carjacking,
15 vandalism, vehicle theft, or a crime as defined by subdivision (b)
16 of Section 13951, unless the disclosure would endanger the safety
17 of a witness or other person involved in the investigation, or unless
18 disclosure would endanger the successful completion of the
19 investigation or a related investigation. However, nothing in this
20 division shall require the disclosure of that portion of those
21 investigative files that reflects the analysis or conclusions of the
22 investigating officer.

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

26 Notwithstanding any other provision of this subdivision, state
27 and local law enforcement agencies shall make public the following
28 information, except to the extent that disclosure of a particular
29 item of information would endanger the safety of a person involved
30 in an investigation or would endanger the successful completion
31 of the investigation or a related investigation:

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

1 ~~(2) Subject to the restrictions imposed by Section 841.5 of the~~
2 ~~Penal Code, the time, substance, and location of all complaints or~~
3 ~~requests for assistance received by the agency and the time and~~
4 ~~nature of the response thereto, including, to the extent the~~
5 ~~information regarding crimes alleged or committed or any other~~
6 ~~incident investigated is recorded, the time, date, and location of~~
7 ~~occurrence, the time and date of the report, the name and age of~~
8 ~~the victim, the factual circumstances surrounding the crime or~~
9 ~~incident, and a general description of any injuries, property, or~~
10 ~~weapons involved. The name of a victim of any crime defined by~~
11 ~~Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a,~~
12 ~~266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285,~~
13 ~~286, 288, 288a, 288.2, 288.3 (as added by Chapter 337 of the~~
14 ~~Statutes of 2006), 288.3 (as added by Section 6 of Proposition 83~~
15 ~~of the November 7, 2006, statewide general election), 288.5, 288.7,~~
16 ~~289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may~~
17 ~~be withheld at the victim's request, or at the request of the victim's~~
18 ~~parent or guardian if the victim is a minor. When a person is the~~
19 ~~victim of more than one crime, information disclosing that the~~
20 ~~person is a victim of a crime defined in any of the sections of the~~
21 ~~Penal Code set forth in this subdivision may be deleted at the~~
22 ~~request of the victim, or the victim's parent or guardian if the~~
23 ~~victim is a minor, in making the report of the crime, or of any~~
24 ~~crime or incident accompanying the crime, available to the public~~
25 ~~in compliance with the requirements of this paragraph.~~

26 ~~(3) Subject to the restrictions of Section 841.5 of the Penal Code~~
27 ~~and this subdivision, the current address of every individual~~
28 ~~arrested by the agency and the current address of the victim of a~~
29 ~~crime, where the requester declares under penalty of perjury that~~
30 ~~the request is made for a scholarly, journalistic, political, or~~
31 ~~governmental purpose, or that the request is made for investigation~~
32 ~~purposes by a licensed private investigator as described in Chapter~~
33 ~~11.3 (commencing with Section 7512) of Division 3 of the Business~~
34 ~~and Professions Code. However, the address of the victim of any~~
35 ~~crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,~~
36 ~~265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,~~
37 ~~273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by~~
38 ~~Chapter 337 of the Statutes of 2006), 288.3 (as added by Section~~
39 ~~6 of Proposition 83 of the November 7, 2006, statewide general~~
40 ~~election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6~~

1 of the Penal Code shall remain confidential. Address information
2 obtained pursuant to this paragraph may not be used directly or
3 indirectly, or furnished to another, to sell a product or service to
4 any individual or group of individuals, and the requester shall
5 execute a declaration to that effect under penalty of perjury.
6 Nothing in this paragraph shall be construed to prohibit or limit a
7 scholarly, journalistic, political, or government use of address
8 information obtained pursuant to this paragraph.

9 (g) ~~Test questions, scoring keys, and other examination data~~
10 ~~used to administer a licensing examination, examination for~~
11 ~~employment, or academic examination, except as provided for in~~
12 ~~Chapter 3 (commencing with Section 99150) of Part 65 of Division~~
13 ~~14 of Title 3 of the Education Code.~~

14 (h) ~~The contents of real estate appraisals or engineering or~~
15 ~~feasibility estimates and evaluations made for or by the state or~~
16 ~~local agency relative to the acquisition of property, or to~~
17 ~~prospective public supply and construction contracts, until all of~~
18 ~~the property has been acquired or all of the contract agreement~~
19 ~~obtained. However, the law of eminent domain shall not be affected~~
20 ~~by this provision.~~

21 (i) ~~Information required from any taxpayer in connection with~~
22 ~~the collection of local taxes that is received in confidence and the~~
23 ~~disclosure of the information to other persons would result in unfair~~
24 ~~competitive disadvantage to the person supplying the information.~~

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

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

33 (l) ~~Correspondence of and to the Governor or employees of the~~
34 ~~Governor's office or in the custody of or maintained by the~~
35 ~~Governor's Legal Affairs Secretary. However, public records shall~~
36 ~~not be transferred to the custody of the Governor's Legal Affairs~~
37 ~~Secretary to evade the disclosure provisions of this chapter.~~

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

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

5 ~~(o) Financial data contained in applications for financing under~~
6 ~~Division 27 (commencing with Section 44500) of the Health and~~
7 ~~Safety Code, where an authorized officer of the California Pollution~~
8 ~~Control Financing Authority determines that disclosure of the~~
9 ~~financial data would be competitively injurious to the applicant~~
10 ~~and the data is required in order to obtain guarantees from the~~
11 ~~United States Small Business Administration. The California~~
12 ~~Pollution Control Financing Authority shall adopt rules for review~~
13 ~~of individual requests for confidentiality under this section and for~~
14 ~~making available to the public those portions of an application that~~
15 ~~are subject to disclosure under this chapter.~~

16 ~~(p) Records of state agencies related to activities governed by~~
17 ~~Chapter 10.3 (commencing with Section 3512), Chapter 10.5~~
18 ~~(commencing with Section 3525), and Chapter 12 (commencing~~
19 ~~with Section 3560) of Division 4, that reveal a state agency's~~
20 ~~deliberative processes, impressions, evaluations, opinions,~~
21 ~~recommendations, meeting minutes, research, work products,~~
22 ~~theories, or strategy, or that provide instruction, advice, or training~~
23 ~~to employees who do not have full collective bargaining and~~
24 ~~representation rights under these chapters. Nothing in this~~
25 ~~subdivision shall be construed to limit the disclosure duties of a~~
26 ~~state agency with respect to any other records relating to the~~
27 ~~activities governed by the employee relations acts referred to in~~
28 ~~this subdivision.~~

29 ~~(q) Records of state agencies related to activities governed by~~
30 ~~Article 2.6 (commencing with Section 14081), Article 2.8~~
31 ~~(commencing with Section 14087.5), and Article 2.91~~
32 ~~(commencing with Section 14089) of Chapter 7 of Part 3 of~~
33 ~~Division 9 of the Welfare and Institutions Code, that reveal the~~
34 ~~special negotiator's deliberative processes, discussions,~~
35 ~~communications, or any other portion of the negotiations with~~
36 ~~providers of health care services, impressions, opinions,~~
37 ~~recommendations, meeting minutes, research, work product,~~
38 ~~theories, or strategy, or that provide instruction, advice, or training~~
39 ~~to employees.~~

1 Except for the portion of a contract containing the rates of
2 payment, contracts for inpatient services entered into pursuant to
3 these articles, on or after April 1, 1984, shall be open to inspection
4 one year after they are fully executed. If a contract for inpatient
5 services that is entered into prior to April 1, 1984, is amended on
6 or after April 1, 1984, the amendment, except for any portion
7 containing the rates of payment, shall be open to inspection one
8 year after it is fully executed. If the California Medical Assistance
9 Commission enters into contracts with health care providers for
10 other than inpatient hospital services, those contracts shall be open
11 to inspection one year after they are fully executed.

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

15 Notwithstanding any other provision of law, the entire contract
16 or amendment shall be open to inspection by the Joint Legislative
17 Audit Committee and the Legislative Analyst's Office. The
18 committee and that office shall maintain the confidentiality of the
19 contracts and amendments until the time a contract or amendment
20 is fully open to inspection by the public.

21 (r) Records of Native American graves, cemeteries, and sacred
22 places and records of Native American places, features, and objects
23 described in Sections 5097.9 and 5097.993 of the Public Resources
24 Code maintained by, or in the possession of, the Native American
25 Heritage Commission, another state agency, or a local agency.

26 (s) A final accreditation report of the Joint Commission on
27 Accreditation of Hospitals that has been transmitted to the State
28 Department of Health Care Services pursuant to subdivision (b)
29 of Section 1282 of the Health and Safety Code.

30 (t) Records of a local hospital district, formed pursuant to
31 Division 23 (commencing with Section 32000) of the Health and
32 Safety Code, or the records of a municipal hospital, formed
33 pursuant to Article 7 (commencing with Section 37600) or Article
34 8 (commencing with Section 37650) of Chapter 5 of Part 2 of
35 Division 3 of Title 4 of this code, that relate to any contract with
36 an insurer or nonprofit hospital service plan for inpatient or
37 outpatient services for alternative rates pursuant to Section 10133
38 of the Insurance Code. However, the record shall be open to
39 inspection within one year after the contract is fully executed.

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

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

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

17 ~~(v) (1) Records of the Managed Risk Medical Insurance Board~~
18 ~~related to activities governed by Part 6.3 (commencing with Section~~
19 ~~12695) and Part 6.5 (commencing with Section 12700) of Division~~
20 ~~2 of the Insurance Code, and that reveal the deliberative processes,~~
21 ~~discussions, communications, or any other portion of the~~
22 ~~negotiations with entities contracting or seeking to contract with~~
23 ~~the board, or the impressions, opinions, recommendations, meeting~~
24 ~~minutes, research, work product, theories, or strategy of the board~~
25 ~~or its staff, or records that provide instructions, advice, or training~~
26 ~~to employees.~~

27 ~~(2) (A) Except for the portion of a contract that contains the~~
28 ~~rates of payment, contracts for health coverage entered into~~
29 ~~pursuant to Part 6.3 (commencing with Section 12695) or Part 6.5~~
30 ~~(commencing with Section 12700) of Division 2 of the Insurance~~
31 ~~Code, on or after July 1, 1991, shall be open to inspection one year~~
32 ~~after their effective dates.~~

33 ~~(B) If a contract that is entered into prior to July 1, 1991, is~~
34 ~~amended on or after July 1, 1991, the amendment, except for any~~
35 ~~portion containing the rates of payment, shall be open to inspection~~
36 ~~one year after the amendment has been fully executed.~~

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

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

7 ~~(w) (1) Records of the Managed Risk Medical Insurance Board~~
8 ~~related to activities governed by Chapter 8 (commencing with~~
9 ~~Section 10700) of Part 2 of Division 2 of the Insurance Code, and~~
10 ~~that reveal the deliberative processes, discussions, communications,~~
11 ~~or any other portion of the negotiations with health plans, or the~~
12 ~~impressions, opinions, recommendations, meeting minutes,~~
13 ~~research, work product, theories, or strategy of the board or its~~
14 ~~staff, or records that provide instructions, advice, or training to~~
15 ~~employees.~~

16 ~~(2) Except for the portion of a contract that contains the rates~~
17 ~~of payment, contracts for health coverage entered into pursuant to~~
18 ~~Chapter 8 (commencing with Section 10700) of Part 2 of Division~~
19 ~~2 of the Insurance Code, on or after January 1, 1993, shall be open~~
20 ~~to inspection one year after they have been fully executed.~~

21 ~~(3) Notwithstanding any other provision of law, the entire~~
22 ~~contract or amendments to a contract shall be open to inspection~~
23 ~~by the Joint Legislative Audit Committee. The committee shall~~
24 ~~maintain the confidentiality of the contracts and amendments~~
25 ~~thereto, until the contracts or amendments to the contracts are open~~
26 ~~to inspection pursuant to paragraph (2).~~

27 ~~(x) Financial data contained in applications for registration, or~~
28 ~~registration renewal, as a service contractor filed with the Director~~
29 ~~of Consumer Affairs pursuant to Chapter 20 (commencing with~~
30 ~~Section 9800) of Division 3 of the Business and Professions Code,~~
31 ~~for the purpose of establishing the service contractor's net worth,~~
32 ~~or financial data regarding the funded accounts held in escrow for~~
33 ~~service contracts held in force in this state by a service contractor.~~

34 ~~(y) (1) Records of the Managed Risk Medical Insurance Board~~
35 ~~related to activities governed by Part 6.2 (commencing with Section~~
36 ~~12693) or Part 6.4 (commencing with Section 12699.50) of~~
37 ~~Division 2 of the Insurance Code, and that reveal the deliberative~~
38 ~~processes, discussions, communications, or any other portion of~~
39 ~~the negotiations with entities contracting or seeking to contract~~
40 ~~with the board, or the impressions, opinions, recommendations,~~

1 meeting minutes, research, work product, theories, or strategy of
2 the board or its staff, or records that provide instructions, advice,
3 or training to employees.

4 (2) (A) Except for the portion of a contract that contains the
5 rates of payment, contracts entered into pursuant to Part 6.2
6 (commencing with Section 12693) or Part 6.4 (commencing with
7 Section 12699.50) of Division 2 of the Insurance Code, on or after
8 January 1, 1998, shall be open to inspection one year after their
9 effective dates.

10 (B) If a contract entered into pursuant to Part 6.2 (commencing
11 with Section 12693) or Part 6.4 (commencing with Section
12 12699.50) of Division 2 of the Insurance Code is amended, the
13 amendment shall be open to inspection one year after the
14 amendment has been fully executed.

15 (3) Three years after a contract or amendment is open to
16 inspection pursuant to this subdivision, the portion of the contract
17 or amendment containing the rates of payment shall be open to
18 inspection.

19 (4) Notwithstanding any other provision of law, the entire
20 contract or amendments to a contract shall be open to inspection
21 by the Joint Legislative Audit Committee. The committee shall
22 maintain the confidentiality of the contracts and amendments
23 thereto until the contract or amendments to a contract are open to
24 inspection pursuant to paragraph (2) or (3).

25 (5) The exemption from disclosure provided pursuant to this
26 subdivision for the contracts, deliberative processes, discussions,
27 communications, negotiations, impressions, opinions,
28 recommendations, meeting minutes, research, work product,
29 theories, or strategy of the board or its staff shall also apply to the
30 contracts, deliberative processes, discussions, communications,
31 negotiations, impressions, opinions, recommendations, meeting
32 minutes, research, work product, theories, or strategy of applicants
33 pursuant to Part 6.4 (commencing with Section 12699.50) of
34 Division 2 of the Insurance Code.

35 (z) Records obtained pursuant to paragraph (2) of subdivision
36 (e) of Section 2891.1 of the Public Utilities Code.

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

1 ~~(ab) Critical infrastructure information, as defined in Section~~
2 ~~131(3) of Title 6 of the United States Code, that is voluntarily~~
3 ~~submitted to the California Emergency Management Agency for~~
4 ~~use by that office, including the identity of the person who or entity~~
5 ~~that voluntarily submitted the information. As used in this~~
6 ~~subdivision, “voluntarily submitted” means submitted in the~~
7 ~~absence of the office exercising any legal authority to compel~~
8 ~~access to or submission of critical infrastructure information. This~~
9 ~~subdivision shall not affect the status of information in the~~
10 ~~possession of any other state or local governmental agency.~~

11 ~~(ac) All information provided to the Secretary of State by a~~
12 ~~person for the purpose of registration in the Advance Health Care~~
13 ~~Directive Registry, except that those records shall be released at~~
14 ~~the request of a health care provider, a public guardian, or the~~
15 ~~registrant’s legal representative.~~

16 ~~(ad) The following records of the State Compensation Insurance~~
17 ~~Fund:~~

18 ~~(1) Records related to claims pursuant to Chapter 1~~
19 ~~(commencing with Section 3200) of Division 4 of the Labor Code,~~
20 ~~to the extent that confidential medical information or other~~
21 ~~individually identifiable information would be disclosed.~~

22 ~~(2) Records related to the discussions, communications, or any~~
23 ~~other portion of the negotiations with entities contracting or seeking~~
24 ~~to contract with the fund, and any related deliberations.~~

25 ~~(3) Records related to the impressions, opinions,~~
26 ~~recommendations, meeting minutes of meetings or sessions that~~
27 ~~are lawfully closed to the public, research, work product, theories,~~
28 ~~or strategy of the fund or its staff, on the development of rates,~~
29 ~~contracting strategy, underwriting, or competitive strategy pursuant~~
30 ~~to the powers granted to the fund in Chapter 4 (commencing with~~
31 ~~Section 11770) of Part 3 of Division 2 of the Insurance Code.~~

32 ~~(4) Records obtained to provide workers’ compensation~~
33 ~~insurance under Chapter 4 (commencing with Section 11770) of~~
34 ~~Part 3 of Division 2 of the Insurance Code, including, but not~~
35 ~~limited to, any medical claims information, policyholder~~
36 ~~information provided that nothing in this paragraph shall be~~
37 ~~interpreted to prevent an insurance agent or broker from obtaining~~
38 ~~proprietary information or other information authorized by law to~~
39 ~~be obtained by the agent or broker, and information on rates,~~
40 ~~pricing, and claims handling received from brokers.~~

1 ~~(5) (A) Records that are trade secrets pursuant to Section~~
 2 ~~6276.44, or Article 11 (commencing with Section 1060) of Chapter~~
 3 ~~4 of Division 8 of the Evidence Code, including without limitation,~~
 4 ~~instructions, advice, or training provided by the State Compensation~~
 5 ~~Insurance Fund to its board members, officers, and employees~~
 6 ~~regarding the fund's special investigation unit, internal audit unit,~~
 7 ~~and informational security, marketing, rating, pricing, underwriting,~~
 8 ~~claims handling, audits, and collections.~~

9 ~~(B) Notwithstanding subparagraph (A), the portions of records~~
 10 ~~containing trade secrets shall be available for review by the Joint~~
 11 ~~Legislative Audit Committee, the Bureau of State Audits, Division~~
 12 ~~of Workers' Compensation, and the Department of Insurance to~~
 13 ~~ensure compliance with applicable law.~~

14 ~~(6) (A) Internal audits containing proprietary information and~~
 15 ~~the following records that are related to an internal audit:~~

16 ~~(i) Personal papers and correspondence of any person providing~~
 17 ~~assistance to the fund when that person has requested in writing~~
 18 ~~that his or her papers and correspondence be kept private and~~
 19 ~~confidential. Those papers and correspondence shall become public~~
 20 ~~records if the written request is withdrawn, or upon order of the~~
 21 ~~fund.~~

22 ~~(ii) Papers, correspondence, memoranda, or any substantive~~
 23 ~~information pertaining to any audit not completed or an internal~~
 24 ~~audit that contains proprietary information.~~

25 ~~(B) Notwithstanding subparagraph (A), the portions of records~~
 26 ~~containing proprietary information, or any information specified~~
 27 ~~in subparagraph (A) shall be available for review by the Joint~~
 28 ~~Legislative Audit Committee, the Bureau of State Audits, Division~~
 29 ~~of Workers' Compensation, and the Department of Insurance to~~
 30 ~~ensure compliance with applicable law.~~

31 ~~(7) (A) Except as provided in subparagraph (C), contracts~~
 32 ~~entered into pursuant to Chapter 4 (commencing with Section~~
 33 ~~11770) of Part 3 of Division 2 of the Insurance Code shall be open~~
 34 ~~to inspection one year after the contract has been fully executed.~~

35 ~~(B) If a contract entered into pursuant to Chapter 4 (commencing~~
 36 ~~with Section 11770) of Part 3 of Division 2 of the Insurance Code~~
 37 ~~is amended, the amendment shall be open to inspection one year~~
 38 ~~after the amendment has been fully executed.~~

39 ~~(C) Three years after a contract or amendment is open to~~
 40 ~~inspection pursuant to this subdivision, the portion of the contract~~

1 or amendment containing the rates of payment shall be open to
2 inspection.

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

9 ~~(E) Nothing in this paragraph is intended to apply to documents~~
10 ~~related to contracts with public entities that are not otherwise~~
11 ~~expressly confidential as to that public entity.~~

12 ~~(F) For purposes of this paragraph, “fully executed” means the~~
13 ~~point in time when all of the necessary parties to the contract have~~
14 ~~signed the contract.~~

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

18 ~~Nothing in this section prevents any health facility from~~
19 ~~disclosing to a certified bargaining agent relevant financing~~
20 ~~information pursuant to Section 8 of the National Labor Relations~~
21 ~~Act (29 U.S.C. Sec. 158).~~

22 ~~SEC. 2.~~

23 ~~SECTION 1.~~ Section 6254.19 is added to the Government Code,
24 to read:

25 6254.19. Nothing in this chapter shall be construed to require
26 the disclosure of a public agency’s records relating to information
27 security, including, but not limited to, all of the following:

- 28 ~~(1) Information security plans.~~
- 29 ~~(2) Information security risk assessments.~~
- 30 ~~(3) Information security audit and evaluation reports.~~
- 31 ~~(4) Information security incident reports.~~
- 32 ~~(5) Disaster recovery plans.~~
- 33 ~~(6) Records relating to the information security program~~
34 ~~established pursuant to Section 11549.3: *an information security*~~
35 ~~*record of a public agency, if disclosure of that record would reveal*~~
36 ~~*vulnerabilities to, or otherwise increase the potential for an attack*~~
37 ~~*on, an information technology system of a public agency. Nothing*~~
38 ~~*in this section shall be construed to limit public disclosure of*~~
39 ~~*records stored within an information technology system of a public*~~

1 *agency that are not otherwise exempt from disclosure pursuant to*
2 *this chapter or any other provision of law.*

3 ~~SEC. 3.~~

4 *SEC. 2.* The Legislature finds and declares that this act imposes
5 a limitation on the public's right of access to writings of public
6 officials and agencies within the meaning of Section 3 of Article
7 I of the California Constitution. Pursuant to that constitutional
8 provision, the Legislature makes the following finding to
9 demonstrate the interest protected by this limitation and the need
10 for protecting that interest: The Legislature finds and declares that
11 in order to protect the integrity of public agency information
12 systems, it is necessary to limit the public's access to ~~public agency~~
13 ~~records relating to information security.~~ *the information security*
14 *records of a public agency.*