

ASSEMBLY BILL

No. 422

Introduced by Assembly Member Silva

February 14, 2011

An act to amend Section 1798.3 of the Civil Code, relating to the Information Practices Act of 1977.

LEGISLATIVE COUNSEL'S DIGEST

AB 422, as introduced, Silva. Information Practices Act of 1977: definitions.

Existing law, known as the Information Practices Act of 1977, imposes limitations on the right of state governmental agencies to disclose personal information about an individual.

This bill would make technical, nonsubstantive changes to the definitions in that act.

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 1798.3 of the Civil Code is amended to
2 read:
3 1798.3. As used in this chapter, *the following terms have the*
4 *following meanings:*
5 ~~(a) The term “personal information” means any information~~
6 ~~that is maintained by an agency that identifies or describes an~~
7 ~~individual, including, but not limited to, his or her name, social~~
8 ~~security number, physical description, home address, home~~
9 ~~telephone number, education, financial matters, and medical or~~

- 1 employment history. It includes statements made by, or attributed
2 to, the individual.
- 3 ~~(b) The term “agency”~~
- 4 (a) “Agency” means every state office, officer, department,
5 division, bureau, board, commission, or other state agency, except
6 that the term agency shall not include:
- 7 (1) The California Legislature.
- 8 (2) Any agency established under Article VI of the California
9 Constitution.
- 10 (3) The State Compensation Insurance Fund, except as to any
11 records which contain personal information about the employees
12 of the State Compensation Insurance Fund.
- 13 (4) A local agency, as defined in subdivision (a) of Section 6252
14 of the Government Code.
- 15 ~~(e) The term “disclose”~~
- 16 (b) “Disclosure” means to disclose, release, transfer,
17 disseminate, or otherwise communicate all or any part of any record
18 orally, in writing, or by electronic or any other means to any person
19 or entity.
- 20 ~~(d) The term “individual”~~
- 21 (c) “Individual” means a natural person.
- 22 ~~(e) The term “maintain”~~
- 23 (d) “Maintain” includes maintain, acquire, use, or disclose.
- 24 ~~(f) The term “person”~~
- 25 (e) “Person” means any natural person, corporation, partnership,
26 limited liability company, firm, or association.
- 27 (f) “Personal information” means any information that is
28 maintained by an agency that identifies or describes an individual,
29 including, but not limited to, his or her name, social security
30 number, physical description, home address, home telephone
31 number, education, financial matters, and medical or employment
32 history. It includes statements made by, or attributed to, the
33 individual.
- 34 ~~(g) The term “record”~~ “Record” means any file or grouping of
35 information about an individual that is maintained by an agency
36 by reference to an identifying particular such as the individual’s
37 name, photograph, finger or voice print, or a number or symbol
38 assigned to the individual.
- 39 ~~(h) The term “system of records”~~ “System of records” means
40 one or more records, which pertain to one or more individuals,

1 which is maintained by any agency, from which information is
2 retrieved by the name of an individual or by some identifying
3 number, symbol or other identifying particular assigned to the
4 individual.

5 (i) ~~The term “governmental entity,”~~ “*Governmental entity*,”
6 except as used in Section 1798.26, means any branch of the federal
7 government or of the local government.

8 (j) ~~The term “commercial purpose”~~ “*Commercial purpose*”
9 means any purpose ~~which~~ *that* has financial gain as a major
10 objective. It does not include the gathering or dissemination of
11 newsworthy facts by a publisher or broadcaster.

12 (k) ~~The term “regulatory agency”~~ “*Regulatory agency*” means
13 the Department of Financial Institutions, the Department of
14 Corporations, the Department of Insurance, the Department of
15 Real Estate, and agencies of the United States or of any other state
16 responsible for regulating financial institutions.