

AMENDED IN ASSEMBLY JANUARY 6, 2014

AMENDED IN ASSEMBLY APRIL 17, 2013

AMENDED IN ASSEMBLY APRIL 10, 2013

AMENDED IN ASSEMBLY FEBRUARY 20, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 134

**Introduced by Assembly ~~Members Logue~~ *Members Logue and Gray*
(Principal coauthor: Assembly Member Cooley)
(Principal coauthor: Senator Fuller)
(Coauthor: Assembly Member Mansoor)**

January 16, 2013

An act to amend Section 6254 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 134, as amended, ~~Members Logue~~ *Logue*. The California Public Records Act: applications for licenses and licenses to carry firearms.

Existing law, the California Public Records Act, provides that public records are open to inspection at all times during the office hours of the state or local agency that retains those records, and every person has a right to inspect any public record, except as provided. However, existing law provides that nothing in the act shall be construed to require disclosure of information contained in an application for a license to carry a firearm that indicates when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of members of his or her family. Existing law also provides that the provisions shall not be construed to require disclosure

of the home address and telephone number of prosecutors, public defenders, peace officers, judges, court commissioners, and magistrates that are set forth in applications for licenses or in licenses to carry firearms, as specified.

This bill would instead provide that the California Public Records Act shall not be construed to require the disclosure of the ~~names~~, home ~~addresses~~, *addresses* and telephone numbers of applicants that are set forth in applications to carry firearms or of licensees that are set forth in licenses to carry firearms, as specified. *This bill would also prohibit this provision from being construed as prohibiting the disclosure of public records relating to the reason an application for a license to carry a firearm was granted or denied, as specified.* Because this bill would increase the duties of county sheriffs and the chiefs or other heads of police departments that issue firearms license applications, this bill would impose a state-mandated local program.

This bill would also make technical, nonsubstantive changes to these provisions.

Existing constitutional provisions require that a statute that limits the right of access to public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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:~~

- 1 ~~(a) Preliminary drafts, notes, or interagency or intra-agency~~
2 ~~memoranda that are not retained by the public agency in the~~
3 ~~ordinary course of business, if the public interest in withholding~~
4 ~~those records clearly outweighs the public interest in disclosure.~~
- 5 ~~(b) Records pertaining to pending litigation to which the public~~
6 ~~agency is a party, or to claims made pursuant to Division 3.6~~
7 ~~(commencing with Section 810), until the pending litigation or~~
8 ~~claim has been finally adjudicated or otherwise settled.~~
- 9 ~~(c) Personnel, medical, or similar files, the disclosure of which~~
10 ~~would constitute an unwarranted invasion of personal privacy.~~
- 11 ~~(d) Contained in or related to any of the following:~~
 - 12 ~~(1) Applications filed with any state agency responsible for the~~
13 ~~regulation or supervision of the issuance of securities or of financial~~
14 ~~institutions, including, but not limited to, banks, savings and loan~~
15 ~~associations, industrial loan companies, credit unions, and~~
16 ~~insurance companies.~~
 - 17 ~~(2) Examination, operating, or condition reports prepared by,~~
18 ~~on behalf of, or for the use of, any state agency referred to in~~
19 ~~paragraph (1).~~
 - 20 ~~(3) Preliminary drafts, notes, or interagency or intra-agency~~
21 ~~communications prepared by, on behalf of, or for the use of, any~~
22 ~~state agency referred to in paragraph (1).~~
 - 23 ~~(4) Information received in confidence by any state agency~~
24 ~~referred to in paragraph (1).~~
- 25 ~~(e) Geological and geophysical data, plant production data, and~~
26 ~~similar information relating to utility systems development, or~~
27 ~~market or crop reports, that are obtained in confidence from any~~
28 ~~person.~~
- 29 ~~(f) Records of complaints to, or investigations conducted by,~~
30 ~~or records of intelligence information or security procedures of,~~
31 ~~the office of the Attorney General and the Department of Justice,~~
32 ~~the Office of Emergency Services, and any state or local police~~
33 ~~agency, or any investigatory or security files compiled by any other~~
34 ~~state or local police agency, or any investigatory or security files~~
35 ~~compiled by any other state or local agency for correctional, law~~
36 ~~enforcement, or licensing purposes. However, state and local law~~
37 ~~enforcement agencies shall disclose the names and addresses of~~
38 ~~persons involved in, or witnesses other than confidential informants~~
39 ~~to, the incident, the description of any property involved, the date,~~
40 ~~time, and location of the incident, all diagrams, statements of the~~

1 parties involved in the incident, the statements of all witnesses,
2 other than confidential informants, to the victims of an incident,
3 or an authorized representative thereof, an insurance carrier against
4 which a claim has been or might be made, and any person suffering
5 bodily injury or property damage or loss, as the result of the
6 incident caused by arson, burglary, fire, explosion, larceny,
7 robbery, carjacking, vandalism, vehicle theft, or a crime as defined
8 by subdivision (b) of Section 13951, unless the disclosure would
9 endanger the safety of a witness or other person involved in the
10 investigation, or unless disclosure would endanger the successful
11 completion of the investigation or a related investigation. However,
12 nothing in this division shall require the disclosure of that portion
13 of those investigative files that reflects the analysis or conclusions
14 of the investigating officer.

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

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

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

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

1 incident, and a general description of any injuries, property, or
2 weapons involved. The name of a victim of any crime defined by
3 Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a,
4 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285,
5 286, 288, 288a, 288.2, 288.3 (as added by Section 6 of Proposition
6 83 of the November 7, 2006, statewide general election), 288.4,
7 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the
8 Penal Code may be withheld at the victim's request, or at the
9 request of the victim's parent or guardian if the victim is a minor.
10 When a person is the victim of more than one crime, information
11 disclosing that the person is a victim of a crime defined in any of
12 the sections of the Penal Code set forth in this subdivision may be
13 deleted at the request of the victim, or the victim's parent or
14 guardian if the victim is a minor, in making the report of the crime,
15 or of any crime or incident accompanying the crime, available to
16 the public in compliance with the requirements of this paragraph.

17 (3) ~~Subject to the restrictions of Section 841.5 of the Penal Code~~
18 ~~and this subdivision, the current address of every individual~~
19 ~~arrested by the agency and the current address of the victim of a~~
20 ~~crime, where the requester declares under penalty of perjury that~~
21 ~~the request is made for a scholarly, journalistic, political, or~~
22 ~~governmental purpose, or that the request is made for investigation~~
23 ~~purposes by a licensed private investigator as described in Chapter~~
24 ~~11.3 (commencing with Section 7512) of Division 3 of the Business~~
25 ~~and Professions Code. However, the address of the victim of any~~
26 ~~crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,~~
27 ~~265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,~~
28 ~~273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by Section~~
29 ~~6 of Proposition 83 of the November 7, 2006, statewide general~~
30 ~~election), 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9,~~
31 ~~or 647.6 of the Penal Code shall remain confidential. Address~~
32 ~~information obtained pursuant to this paragraph may not be used~~
33 ~~directly or indirectly, or furnished to another, to sell a product or~~
34 ~~service to any individual or group of individuals, and the requester~~
35 ~~shall execute a declaration to that effect under penalty of perjury.~~
36 ~~Nothing in this paragraph shall be construed to prohibit or limit a~~
37 ~~scholarly, journalistic, political, or government use of address~~
38 ~~information obtained pursuant to this paragraph.~~

39 (g) ~~Test questions, scoring keys, and other examination data~~
40 ~~used to administer a licensing examination, examination for~~

1 employment, or academic examination, except as provided for in
2 Chapter 3 (commencing with Section 99150) of Part 65 of Division
3 14 of Title 3 of the Education Code.

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

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

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

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

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

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

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

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

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

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

19 ~~(q) (1) Records of state agencies related to activities governed
20 by Article 2.6 (commencing with Section 14081), Article 2.8
21 (commencing with Section 14087.5), and Article 2.91
22 (commencing with Section 14089) of Chapter 7 of Part 3 of
23 Division 9 of the Welfare and Institutions Code, that reveal the
24 special negotiator's deliberative processes, discussions,
25 communications, or any other portion of the negotiations with
26 providers of health care services, impressions, opinions,
27 recommendations, meeting minutes, research, work product,
28 theories, or strategy, or that provide instruction, advice, or training
29 to employees.~~

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

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

5 ~~(4) Notwithstanding any other law, the entire contract or~~
6 ~~amendment shall be open to inspection by the Joint Legislative~~
7 ~~Audit Committee and the Legislative Analyst's Office. The~~
8 ~~committee and that office shall maintain the confidentiality of the~~
9 ~~contracts and amendments until the time a contract or amendment~~
10 ~~is fully open to inspection by the public.~~

11 ~~(r) Records of Native American graves, cemeteries, and sacred~~
12 ~~places and records of Native American places, features, and objects~~
13 ~~described in Sections 5097.9 and 5097.993 of the Public Resources~~
14 ~~Code maintained by, or in the possession of, the Native American~~
15 ~~Heritage Commission, another state agency, or a local agency.~~

16 ~~(s) A final accreditation report of the Joint Commission on~~
17 ~~Accreditation of Hospitals that has been transmitted to the State~~
18 ~~Department of Health Care Services pursuant to subdivision (b)~~
19 ~~of Section 1282 of the Health and Safety Code.~~

20 ~~(t) Records of a local hospital district, formed pursuant to~~
21 ~~Division 23 (commencing with Section 32000) of the Health and~~
22 ~~Safety Code, or the records of a municipal hospital, formed~~
23 ~~pursuant to Article 7 (commencing with Section 37600) or Article~~
24 ~~8 (commencing with Section 37650) of Chapter 5 of Part 2 of~~
25 ~~Division 3 of Title 4 of this code, that relate to any contract with~~
26 ~~an insurer or nonprofit hospital service plan for inpatient or~~
27 ~~outpatient services for alternative rates pursuant to Section 10133~~
28 ~~of the Insurance Code. However, the record shall be open to~~
29 ~~inspection within one year after the contract is fully executed.~~

30 ~~(u) (1) Information contained in applications for licenses to~~
31 ~~carry firearms issued pursuant to Section 26150, 26155, 26170,~~
32 ~~or 26215 of the Penal Code by the sheriff of a county or the chief~~
33 ~~or other head of a municipal police department that indicates when~~
34 ~~or where the applicant is vulnerable to attack or that concerns the~~
35 ~~applicant's medical or psychological history or that of members~~
36 ~~of his or her family.~~

37 ~~(2) The names, home addresses, and telephone numbers of~~
38 ~~applicants that are set forth in applications for licenses to carry~~
39 ~~firearms issued pursuant to Section 26150, 26155, 26170, or 26215~~

1 of the Penal Code by the sheriff of a county or the chief or other
2 head of a municipal police department.

3 ~~(3) The names, home addresses, and telephone numbers of~~
4 ~~licensees that are set forth in licenses to carry firearms issued~~
5 ~~pursuant to Section 26150, 26155, 26170, or 26215 of the Penal~~
6 ~~Code by the sheriff of a county or the chief or other head of a~~
7 ~~municipal police department.~~

8 ~~(v) (1) Records of the Managed Risk Medical Insurance Board~~
9 ~~related to activities governed by Part 6.3 (commencing with Section~~
10 ~~12695), Part 6.5 (commencing with Section 12700), Part 6.6~~
11 ~~(commencing with Section 12739.5), and Part 6.7 (commencing~~
12 ~~with Section 12739.70) of Division 2 of the Insurance Code, and~~
13 ~~that reveal any of the following:~~

14 ~~(A) The deliberative processes, discussions, communications,~~
15 ~~or any other portion of the negotiations with entities contracting~~
16 ~~or seeking to contract with the board, entities with which the board~~
17 ~~is considering a contract, or entities with which the board is~~
18 ~~considering or enters into any other arrangement under which the~~
19 ~~board provides, receives, or arranges services or reimbursement.~~

20 ~~(B) The impressions, opinions, recommendations, meeting~~
21 ~~minutes, research, work product, theories, or strategy of the board~~
22 ~~or its staff, or records that provide instructions, advice, or training~~
23 ~~to employees.~~

24 ~~(2) (A) Except for the portion of a contract that contains the~~
25 ~~rates of payment, contracts entered into pursuant to Part 6.3~~
26 ~~(commencing with Section 12695), Part 6.5 (commencing with~~
27 ~~Section 12700), Part 6.6 (commencing with Section 12739.5), or~~
28 ~~Part 6.7 (commencing with Section 12739.70) of Division 2 of the~~
29 ~~Insurance Code, on or after July 1, 1991, shall be open to inspection~~
30 ~~one year after their effective dates.~~

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

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

39 ~~(4) Notwithstanding any other law, the entire contract or~~
40 ~~amendments to a contract shall be open to inspection by the Joint~~

1 ~~Legislative Audit Committee. The committee shall maintain the~~
2 ~~confidentiality of the contracts and amendments thereto, until the~~
3 ~~contracts or amendments to the contracts are open to inspection~~
4 ~~pursuant to paragraph (3):~~

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

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

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

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

32 ~~(y) (1) Records of the Managed Risk Medical Insurance Board~~
33 ~~related to activities governed by Part 6.2 (commencing with Section~~
34 ~~12693) or Part 6.4 (commencing with Section 12699.50) of~~
35 ~~Division 2 of the Insurance Code, and that reveal any of the~~
36 ~~following:~~

37 ~~(A) The deliberative processes, discussions, communications,~~
38 ~~or any other portion of the negotiations with entities contracting~~
39 ~~or seeking to contract with the board, entities with which the board~~
40 ~~is considering a contract, or entities with which the board is~~

1 considering or enters into any other arrangement under which the
2 board provides, receives, or arranges services or reimbursement.

3 ~~(B) The impressions, opinions, recommendations, meeting~~
4 ~~minutes, research, work product, theories, or strategy of the board~~
5 ~~or its staff, or records that provide instructions, advice, or training~~
6 ~~to employees.~~

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

13 ~~(B) If a contract entered into pursuant to Part 6.2 (commencing~~
14 ~~with Section 12693) or Part 6.4 (commencing with Section~~
15 ~~12699.50) of Division 2 of the Insurance Code is amended, the~~
16 ~~amendment shall be open to inspection one year after the effective~~
17 ~~date of the amendment.~~

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

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

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

38 ~~(z) Records obtained pursuant to paragraph (2) of subdivision~~
39 ~~(f) of Section 2891.1 of the Public Utilities Code.~~

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

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

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

20 ~~(ad) The following records of the State Compensation Insurance~~
21 ~~Fund:~~

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

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

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

36 ~~(4) Records obtained to provide workers' compensation~~
37 ~~insurance under Chapter 4 (commencing with Section 11770) of~~
38 ~~Part 3 of Division 2 of the Insurance Code, including, but not~~
39 ~~limited to, any medical claims information, policyholder~~
40 ~~information, provided that nothing in this paragraph shall be~~

1 interpreted to prevent an insurance agent or broker from obtaining
2 proprietary information or other information authorized by law to
3 be obtained by the agent or broker, and information on rates,
4 pricing, and claims handling received from brokers.

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

13 (B) Notwithstanding subparagraph (A), the portions of records
14 containing trade secrets shall be available for review by the Joint
15 Legislative Audit Committee, the California State Auditor's Office,
16 Division of Workers' Compensation, and the Department of
17 Insurance to ensure compliance with applicable law.

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

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

26 (ii) Papers, correspondence, memoranda, or any substantive
27 information pertaining to any audit not completed or an internal
28 audit that contains proprietary information.

29 (B) Notwithstanding subparagraph (A), the portions of records
30 containing proprietary information, or any information specified
31 in subparagraph (A) shall be available for review by the Joint
32 Legislative Audit Committee, the California State Auditor's Office,
33 Division of Workers' Compensation, and the Department of
34 Insurance to ensure compliance with applicable law.

35 (7) (A) Except as provided in subparagraph (C), contracts
36 entered into pursuant to Chapter 4 (commencing with Section
37 11770) of Part 3 of Division 2 of the Insurance Code shall be open
38 to inspection one year after the contract has been fully executed.

39 (B) If a contract entered into pursuant to Chapter 4 (commencing
40 with Section 11770) of Part 3 of Division 2 of the Insurance Code

1 is amended, the amendment shall be open to inspection one year
2 after the amendment has been fully executed.

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

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

13 ~~(E) This paragraph is not intended to apply to documents related~~
14 ~~to contracts with public entities that are not otherwise expressly~~
15 ~~confidential as to that public entity.~~

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

19 ~~This section shall not prevent any agency from opening its~~
20 ~~records concerning the administration of the agency to public~~
21 ~~inspection, unless disclosure is otherwise prohibited by law.~~

22 ~~This section shall not prevent any health facility from disclosing~~
23 ~~to a certified bargaining agent relevant financing information~~
24 ~~pursuant to Section 8 of the National Labor Relations Act (29~~
25 ~~U.S.C. Sec. 158).~~

26 *SECTION 1. Section 6254 of the Government Code is amended*
27 *to read:*

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

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

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

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

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

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

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

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

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

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

19 (f) Records of complaints to, or investigations conducted by,
20 or records of intelligence information or security procedures of,
21 the office of the Attorney General and the Department of Justice,
22 the Office of Emergency Services and any state or local police
23 agency, or any investigatory or security files compiled by any other
24 state or local police agency, or any investigatory or security files
25 compiled by any other state or local agency for correctional, law
26 enforcement, or licensing purposes. However, state and local law
27 enforcement agencies shall disclose the names and addresses of
28 persons involved in, or witnesses other than confidential informants
29 to, the incident, the description of any property involved, the date,
30 time, and location of the incident, all diagrams, statements of the
31 parties involved in the incident, the statements of all witnesses,
32 other than confidential informants, to the victims of an incident,
33 or an authorized representative thereof, an insurance carrier against
34 which a claim has been or might be made, and any person suffering
35 bodily injury or property damage or loss, as the result of the
36 incident caused by arson, burglary, fire, explosion, larceny,
37 robbery, carjacking, vandalism, vehicle theft, or a crime as defined
38 by subdivision (b) of Section 13951, unless the disclosure would
39 endanger the safety of a witness or other person involved in the
40 investigation, or unless disclosure would endanger the successful

1 completion of the investigation or a related investigation. However,
2 nothing in this division shall require the disclosure of that portion
3 of those investigative files that reflects the analysis or conclusions
4 of the investigating officer.

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

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

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

24 (2) Subject to the restrictions imposed by Section 841.5 of the
25 Penal Code, the time, substance, and location of all complaints or
26 requests for assistance received by the agency and the time and
27 nature of the response thereto, including, to the extent the
28 information regarding crimes alleged or committed or any other
29 incident investigated is recorded, the time, date, and location of
30 occurrence, the time and date of the report, the name and age of
31 the victim, the factual circumstances surrounding the crime or
32 incident, and a general description of any injuries, property, or
33 weapons involved. The name of a victim of any crime defined by
34 Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a,
35 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285,
36 286, 288, 288a, 288.2, ~~288.3 (as added by Chapter 337 of the~~
37 ~~Statutes of 2006)~~; 288.3 (as added by Section 6 of Proposition 83
38 of the November 7, 2006, statewide general election), 288.4, 288.5,
39 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code
40 may be withheld at the victim's request, or at the request of the

1 victim's parent or guardian if the victim is a minor. When a person
2 is the victim of more than one crime, information disclosing that
3 the person is a victim of a crime defined in any of the sections of
4 the Penal Code set forth in this subdivision may be deleted at the
5 request of the victim, or the victim's parent or guardian if the
6 victim is a minor, in making the report of the crime, or of any
7 crime or incident accompanying the crime, available to the public
8 in compliance with the requirements of this paragraph.

9 (3) Subject to the restrictions of Section 841.5 of the Penal Code
10 and this subdivision, the current address of every individual
11 arrested by the agency and the current address of the victim of a
12 crime, where the requester declares under penalty of perjury that
13 the request is made for a scholarly, journalistic, political, or
14 governmental purpose, or that the request is made for investigation
15 purposes by a licensed private investigator as described in Chapter
16 11.3 (commencing with Section 7512) of Division 3 of the Business
17 and Professions Code. However, the address of the victim of any
18 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,
19 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,
20 273d, 273.5, 285, 286, 288, 288a, 288.2, ~~288.3 (as added by~~
21 ~~Chapter 337 of the Statutes of 2006)~~, 288.3 (as added by Section
22 6 of Proposition 83 of the November 7, 2006, statewide general
23 election), 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9,
24 or 647.6 of the Penal Code shall remain confidential. Address
25 information obtained pursuant to this paragraph may not be used
26 directly or indirectly, or furnished to another, to sell a product or
27 service to any individual or group of individuals, and the requester
28 shall execute a declaration to that effect under penalty of perjury.
29 Nothing in this paragraph shall be construed to prohibit or limit a
30 scholarly, journalistic, political, or government use of address
31 information obtained pursuant to this paragraph.

32 (g) Test questions, scoring keys, and other examination data
33 used to administer a licensing examination, examination for
34 employment, or academic examination, except as provided for in
35 Chapter 3 (commencing with Section 99150) of Part 65 of Division
36 14 of Title 3 of the Education Code.

37 (h) The contents of real estate appraisals or engineering or
38 feasibility estimates and evaluations made for or by the state or
39 local agency relative to the acquisition of property, or to
40 prospective public supply and construction contracts, until all of

1 the property has been acquired or all of the contract agreement
2 obtained. However, the law of eminent domain shall not be affected
3 by this provision.

4 (i) Information required from any taxpayer in connection with
5 the collection of local taxes that is received in confidence and the
6 disclosure of the information to other persons would result in unfair
7 competitive disadvantage to the person supplying the information.

8 (j) Library circulation records kept for the purpose of identifying
9 the borrower of items available in libraries, and library and museum
10 materials made or acquired and presented solely for reference or
11 exhibition purposes. The exemption in this subdivision shall not
12 apply to records of fines imposed on the borrowers.

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

16 (l) Correspondence of and to the Governor or employees of the
17 Governor's office or in the custody of or maintained by the
18 Governor's Legal Affairs Secretary. However, public records shall
19 not be transferred to the custody of the Governor's Legal Affairs
20 Secretary to evade the disclosure provisions of this chapter.

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

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

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

39 (p) Records of state agencies related to activities governed by
40 Chapter 10.3 (commencing with Section 3512), Chapter 10.5

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

12 (q) (1) Records of state agencies related to activities governed
13 by Article 2.6 (commencing with Section 14081), Article 2.8
14 (commencing with Section 14087.5), and Article 2.91
15 (commencing with Section 14089) of Chapter 7 of Part 3 of
16 Division 9 of the Welfare and Institutions Code, that reveal the
17 special negotiator's deliberative processes, discussions,
18 communications, or any other portion of the negotiations with
19 providers of health care services, impressions, opinions,
20 recommendations, meeting minutes, research, work product,
21 theories, or strategy, or that provide instruction, advice, or training
22 to employees.

23 (2) Except for the portion of a contract containing the rates of
24 payment, contracts for inpatient services entered into pursuant to
25 these articles, on or after April 1, 1984, shall be open to inspection
26 one year after they are fully executed. If a contract for inpatient
27 services that is entered into prior to April 1, 1984, is amended on
28 or after April 1, 1984, the amendment, except for any portion
29 containing the rates of payment, shall be open to inspection one
30 year after it is fully executed. If the California Medical Assistance
31 Commission enters into contracts with health care providers for
32 other than inpatient hospital services, those contracts shall be open
33 to inspection one year after they are fully executed.

34 (3) Three years after a contract or amendment is open to
35 inspection under this subdivision, the portion of the contract or
36 amendment containing the rates of payment shall be open to
37 inspection.

38 (4) Notwithstanding any other ~~provision~~ of law, the entire
39 contract or amendment shall be open to inspection by the Joint
40 Legislative Audit Committee and the Legislative Analyst's Office.

1 The committee and that office shall maintain the confidentiality
2 of the contracts and amendments until the time a contract or
3 amendment is fully open to inspection by the public.

4 (r) Records of Native American graves, cemeteries, and sacred
5 places and records of Native American places, features, and objects
6 described in Sections 5097.9 and 5097.993 of the Public Resources
7 Code maintained by, or in the possession of, the Native American
8 Heritage Commission, another state agency, or a local agency.

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

13 (t) Records of a local hospital district, formed pursuant to
14 Division 23 (commencing with Section 32000) of the Health and
15 Safety Code, or the records of a municipal hospital, formed
16 pursuant to Article 7 (commencing with Section 37600) or Article
17 8 (commencing with Section 37650) of Chapter 5 of Part 2 of
18 Division 3 of Title 4 of this code, that relate to any contract with
19 an insurer or nonprofit hospital service plan for inpatient or
20 outpatient services for alternative rates pursuant to Section 10133
21 of the Insurance Code. However, the record shall be open to
22 inspection within one year after the contract is fully executed.

23 (u) (1) Information contained in applications for licenses to
24 carry firearms issued pursuant to Section 26150, 26155, 26170,
25 or 26215 of the Penal Code by the sheriff of a county or the chief
26 or other head of a municipal police department that indicates when
27 or where the applicant is vulnerable to attack or that concerns the
28 applicant's medical or psychological history or that of members
29 of his or her family.

30 (2) The ~~home address~~ *addresses* and ~~telephone number~~ *numbers*
31 ~~of prosecutors, public defenders, peace officers, judges, court~~
32 ~~commissioners, and magistrates~~ *applicants* that are set forth in
33 applications for licenses to carry firearms issued pursuant to
34 Section 26150, 26155, 26170, or 26215 of the Penal Code by the
35 sheriff of a county or the chief or other head of a municipal police
36 department.

37 (3) The ~~home address~~ *addresses* and ~~telephone number~~ *numbers*
38 ~~of prosecutors, public defenders, peace officers, judges, court~~
39 ~~commissioners, and magistrates~~ *licensees* that are set forth in
40 licenses to carry firearms issued pursuant to Section 26150, 26155,

1 26170, or 26215 of the Penal Code by the sheriff of a county or
2 the chief or other head of a municipal police department.

3 *(4) This section shall not be construed as prohibiting the*
4 *disclosure of public records relating to the reason an application*
5 *for a license to carry a firearm pursuant to Section 26150, 26155,*
6 *26170, or 26215 of the Penal Code was granted or denied.*

7 (v) (1) Records of the Managed Risk Medical Insurance Board
8 ~~and the State Department of Health Care Services that are~~ related
9 to activities governed by Part 6.3 (commencing with Section
10 12695), Part 6.5 (commencing with Section 12700), Part 6.6
11 (commencing with Section 12739.5), and Part 6.7 (commencing
12 with Section 12739.70) of Division 2 of the Insurance Code, and
13 ~~Chapter 2 (commencing with Section 15850) of Part 3.3 of Division~~
14 ~~9 of the Welfare and Institutions Code, and that reveal any of the~~
15 following:

16 (A) The deliberative processes, discussions, communications,
17 or any other portion of the negotiations with entities contracting
18 or seeking to contract with the board ~~or the department~~, entities
19 with which the board ~~or the department~~ is considering a contract,
20 or entities with which the board is considering or enters into any
21 other arrangement under which the board ~~or the department~~
22 provides, receives, or arranges services or reimbursement.

23 (B) The impressions, opinions, recommendations, meeting
24 minutes, research, work product, theories, or strategy of the board
25 ~~or its staff or the department or its staff~~, or records that provide
26 instructions, advice, or training to ~~their~~ employees.

27 (2) (A) Except for the portion of a contract that contains the
28 rates of payment, contracts entered into pursuant to Part 6.3
29 (commencing with Section 12695), Part 6.5 (commencing with
30 Section 12700), Part 6.6 (commencing with Section 12739.5), or
31 Part 6.7 (commencing with Section 12739.70) of Division 2 of the
32 Insurance Code, ~~or Chapter 2.2 (commencing with Section 15850)~~
33 ~~of Part 3.3 of Division 9 of the Welfare and Institutions Code~~, on
34 or after July 1, 1991, shall be open to inspection one year after
35 their effective dates.

36 (B) If a contract that is entered into prior to July 1, 1991, is
37 amended on or after July 1, 1991, the amendment, except for any
38 portion containing the rates of payment, shall be open to inspection
39 one year after the effective date of the amendment.

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

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

20 (2) Except for the portion of a contract that contains the rates
21 of payment, contracts for health coverage entered into pursuant to
22 Chapter 8 (commencing with Section 10700) of Part 2 of Division
23 2 of the Insurance Code, on or after January 1, 1993, shall be open
24 to inspection one year after they have been fully executed.

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

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

38 (y) (1) Records of the Managed Risk Medical Insurance Board
39 related to activities governed by Part 6.2 (commencing with Section
40 12693) or Part 6.4 (commencing with Section 12699.50) of

1 Division 2 of the Insurance Code, and that reveal any of the
2 following:

3 (A) The deliberative processes, discussions, communications,
4 or any other portion of the negotiations with entities contracting
5 or seeking to contract with the board, entities with which the board
6 is considering a contract, or entities with which the board is
7 considering or enters into any other arrangement under which the
8 board provides, receives, or arranges services or reimbursement.

9 (B) The impressions, opinions, recommendations, meeting
10 minutes, research, work product, theories, or strategy of the board
11 or its staff, or records that provide instructions, advice, or training
12 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 their
18 effective dates.

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

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 law, the entire contract or
29 amendments to a contract shall be open to inspection by the Joint
30 Legislative Audit Committee. The committee shall maintain the
31 confidentiality of the contracts and amendments thereto until the
32 contract or amendments to a contract are open to inspection
33 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, impressions, opinions,
37 recommendations, meeting minutes, research, work product,
38 theories, or strategy of the board or its staff shall also apply to the
39 contracts, deliberative processes, discussions, communications,
40 negotiations, impressions, opinions, recommendations, meeting

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

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

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

10 (ab) Critical infrastructure information, as defined in Section
 11 131(3) of Title 6 of the United States Code, that is voluntarily
 12 submitted to the ~~California Emergency Management Agency Office~~
 13 *of Emergency Services* for use by that office, including the identity
 14 of the person who or entity that voluntarily submitted the
 15 information. As used in this subdivision, “voluntarily submitted”
 16 means submitted in the absence of the office exercising any legal
 17 authority to compel access to or submission of critical infrastructure
 18 information. This subdivision shall not affect the status of
 19 information in the possession of any other state or local
 20 governmental agency.

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

26 (ad) The following records of the State Compensation Insurance
 27 Fund:

28 (1) Records related to claims pursuant to Chapter 1
 29 (commencing with Section 3200) of Division 4 of the Labor Code,
 30 to the extent that confidential medical information or other
 31 individually identifiable information would be disclosed.

32 (2) Records related to the discussions, communications, or any
 33 other portion of the negotiations with entities contracting or seeking
 34 to contract with the fund, and any related deliberations.

35 (3) Records related to the impressions, opinions,
 36 recommendations, meeting minutes of meetings or sessions that
 37 are lawfully closed to the public, research, work product, theories,
 38 or strategy of the fund or its staff, on the development of rates,
 39 contracting strategy, underwriting, or competitive strategy pursuant

1 to the powers granted to the fund in Chapter 4 (commencing with
2 Section 11770) of Part 3 of Division 2 of the Insurance Code.

3 (4) Records obtained to provide workers' compensation
4 insurance under Chapter 4 (commencing with Section 11770) of
5 Part 3 of Division 2 of the Insurance Code, including, but not
6 limited to, any medical claims information, policyholder
7 information, provided that nothing in this paragraph shall be
8 interpreted to prevent an insurance agent or broker from obtaining
9 proprietary information or other information authorized by law to
10 be obtained by the agent or broker, and information on rates,
11 pricing, and claims handling received from brokers.

12 (5) (A) Records that are trade secrets pursuant to Section
13 6276.44, or Article 11 (commencing with Section 1060) of Chapter
14 4 of Division 8 of the Evidence Code, including, without limitation,
15 instructions, advice, or training provided by the State Compensation
16 Insurance Fund to its board members, officers, and employees
17 regarding the fund's special investigation unit, internal audit unit,
18 and informational security, marketing, rating, pricing, underwriting,
19 claims handling, audits, and collections.

20 (B) Notwithstanding subparagraph (A), the portions of records
21 containing trade secrets shall be available for review by the Joint
22 Legislative Audit Committee, the ~~Bureau of State Audits,~~
23 *California State Auditor's Office*, Division of Workers'
24 Compensation, and the Department of Insurance to ensure
25 compliance with applicable law.

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

28 (i) Personal papers and correspondence of any person providing
29 assistance to the fund when that person has requested in writing
30 that his or her papers and correspondence be kept private and
31 confidential. Those papers and correspondence shall become public
32 records if the written request is withdrawn, or upon order of the
33 fund.

34 (ii) Papers, correspondence, memoranda, or any substantive
35 information pertaining to any audit not completed or an internal
36 audit that contains proprietary information.

37 (B) Notwithstanding subparagraph (A), the portions of records
38 containing proprietary information, or any information specified
39 in subparagraph (A) shall be available for review by the Joint
40 Legislative Audit Committee, the ~~Bureau of State Audits,~~

1 *California State Auditor's Office*, Division of Workers'
2 Compensation, and the Department of Insurance to ensure
3 compliance with applicable law.

4 (7) (A) Except as provided in subparagraph (C), contracts
5 entered into pursuant to Chapter 4 (commencing with Section
6 11770) of Part 3 of Division 2 of the Insurance Code shall be open
7 to inspection one year after the contract has been fully executed.

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

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

16 (D) Notwithstanding any other law, the entire contract or
17 amendments to a contract shall be open to inspection by the Joint
18 Legislative Audit Committee. The committee shall maintain the
19 confidentiality of the contracts and amendments thereto until the
20 contract or amendments to a contract are open to inspection
21 pursuant to this paragraph.

22 (E) This paragraph is not intended to apply to documents related
23 to contracts with public entities that are not otherwise expressly
24 confidential as to that public entity.

25 (F) For purposes of this paragraph, "fully executed" means the
26 point in time when all of the necessary parties to the contract have
27 signed the contract.

28 This section shall not prevent any agency from opening its
29 records concerning the administration of the agency to public
30 inspection, unless disclosure is otherwise prohibited by law.

31 This section shall not prevent any health facility from disclosing
32 to a certified bargaining agent relevant financing information
33 pursuant to Section 8 of the National Labor Relations Act (29
34 U.S.C. Sec. 158).

35 SEC. 2. The Legislature finds and declares that this act imposes
36 a limitation on the public's right of access to the meetings of public
37 bodies or the writings of public officials and agencies within the
38 meaning of Section 3 of Article I of the California Constitution.
39 Pursuant to that constitutional provision, the Legislature makes

1 the following finding to demonstrate the interest protected by this
2 limitation and the need for protecting the interest:

3 In order to prevent crimes against applicants for licenses to carry
4 firearms and persons who are licensed to carry firearms, it is
5 necessary that this act take effect.

6 SEC. 3. If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.

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