

AMENDED IN ASSEMBLY APRIL 9, 2013
AMENDED IN ASSEMBLY MARCH 21, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1195

Introduced by Assembly Member Eggman
(Principal coauthor: Assembly Member Garcia)
(Coauthors: Assembly Members ~~Bonilla and Rendon~~ Alejo, Bonilla,
Rendon, and Skinner)
(Coauthor: ~~Senator~~ Coauthors: Senators De León and Lara)

February 22, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1195, as amended, Eggman. Public records: crime victims.

The California Public Records Act requires state and local agencies to make public records available for inspection, subject to certain ~~conditions~~ *exceptions*. The act specifically requires state and local law enforcement agencies to disclose certain information regarding an incident to a victim, or the victim's authorized representative, unless certain conditions exist.

This bill would prohibit a state or local law enforcement agency from requiring a victim of an incident, or the victim's authorized representative, to show proof of the victim's legal presence in this country ~~in order~~ to obtain the information required to be disclosed by that law enforcement agency, as specified. For identification purposes, the bill would ~~authorize~~ *require* a state or local law enforcement agency, *if it requires identification*, to accept ~~various~~ *certain* forms of

identification ~~in order~~ for a victim of an incident, or the victim’s authorized representative, to obtain that information.

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

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

- 1 SECTION 1. Section 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.

1 (f) Records of complaints to, or investigations conducted by,
2 or records of intelligence information or security procedures of,
3 the office of the Attorney General and the Department of Justice,
4 the Office of Emergency Services, and any state or local police
5 agency, or any investigatory or security files compiled by any other
6 state or local police agency, or any investigatory or security files
7 compiled by any other state or local agency for correctional, law
8 enforcement, or licensing purposes. However, state and local law
9 enforcement agencies shall disclose the names and addresses of
10 persons involved in, or witnesses other than confidential informants
11 to, the incident, the description of any property involved, the date,
12 time, and location of the incident, all diagrams, statements of the
13 parties involved in the incident, the statements of all witnesses,
14 other than confidential informants, to the victims of an incident,
15 or an authorized representative thereof, an insurance carrier against
16 which a claim has been or might be made, and any person suffering
17 bodily injury or property damage or loss, as the result of the
18 incident caused by arson, burglary, fire, explosion, larceny,
19 robbery, carjacking, vandalism, vehicle theft, or a crime as defined
20 by subdivision (b) of Section 13951, unless the disclosure would
21 endanger the safety of a witness or other person involved in the
22 investigation, or unless disclosure would endanger the successful
23 completion of the investigation or a related investigation. However,
24 nothing in this division shall require the disclosure of that portion
25 of those investigative files that reflects the analysis or conclusions
26 of the investigating officer. A state or local law enforcement agency
27 shall not require a victim of an incident, or an authorized
28 representative thereof, to show proof of the victim's legal presence
29 in the United States in order to obtain the information required to
30 be disclosed by that law enforcement agency pursuant to this
31 subdivision. However, if, for identification purposes, a state or
32 local law enforcement agency requires identification in order for
33 a victim of an incident, or an authorized representative thereof, to
34 obtain that information, the agency ~~may accept the following forms~~
35 ~~of identification, including, but not limited to, a valid California~~
36 ~~driver's license or state identification card, a valid passport issued~~
37 ~~by the United States or by a foreign government with whom the~~
38 ~~United States has a diplomatic relationship, or a shall, at a~~
39 ~~minimum, accept a current driver's license or identification card~~
40 *issued by any state in the United States, a current passport issued*

1 *by the United States or a foreign government with which the United*
2 *States has a diplomatic relationship, or a current* Matricula
3 Consular card.

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

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

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

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

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

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

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

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

1 obtained. However, the law of eminent domain shall not be affected
2 by this provision.

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

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

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

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

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

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

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

38 (p) Records of state agencies related to activities governed by
39 Chapter 10.3 (commencing with Section 3512), Chapter 10.5
40 (commencing with Section 3525), and Chapter 12 (commencing

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

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

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

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

37 (4) Notwithstanding any other law, the entire contract or
38 amendment shall be open to inspection by the Joint Legislative
39 Audit Committee and the Legislative Analyst's Office. The
40 committee and that office shall maintain the confidentiality of the

1 contracts and amendments until the time a contract or amendment
2 is fully open to inspection by the public.

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

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

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

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

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

35 (3) The home address and telephone number of prosecutors,
36 public defenders, peace officers, judges, court commissioners, and
37 magistrates that are set forth in licenses to carry firearms issued
38 pursuant to Section 26150, 26155, 26170, or 26215 of the Penal
39 Code by the sheriff of a county or the chief or other head of a
40 municipal police department.

1 (v) (1) Records of the Managed Risk Medical Insurance Board
2 related to activities governed by Part 6.3 (commencing with Section
3 12695), Part 6.5 (commencing with Section 12700), Part 6.6
4 (commencing with Section 12739.5), and Part 6.7 (commencing
5 with Section 12739.70) of Division 2 of the Insurance Code, and
6 that reveal any of the following:

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

13 (B) The impressions, opinions, recommendations, meeting
14 minutes, research, work product, theories, or strategy of the board
15 or its staff, or records that provide instructions, advice, or training
16 to employees.

17 (2) (A) Except for the portion of a contract that contains the
18 rates of payment, contracts entered into pursuant to Part 6.3
19 (commencing with Section 12695), Part 6.5 (commencing with
20 Section 12700), Part 6.6 (commencing with Section 12739.5), or
21 Part 6.7 (commencing with Section 12739.70) of Division 2 of the
22 Insurance Code, on or after July 1, 1991, shall be open to inspection
23 one year after their effective dates.

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

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

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

38 (w) (1) Records of the Managed Risk Medical Insurance Board
39 related to activities governed by Chapter 8 (commencing with
40 Section 10700) of Part 2 of Division 2 of the Insurance Code, and

1 that reveal the deliberative processes, discussions, communications,
2 or any other portion of the negotiations with health plans, or the
3 impressions, opinions, recommendations, meeting minutes,
4 research, work product, theories, or strategy of the board or its
5 staff, or records that provide instructions, advice, or training to
6 employees.

7 (2) Except for the portion of a contract that contains the rates
8 of payment, contracts for health coverage entered into pursuant to
9 Chapter 8 (commencing with Section 10700) of Part 2 of Division
10 2 of the Insurance Code, on or after January 1, 1993, shall be open
11 to inspection one year after they have been fully executed.

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

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

25 (y) (1) Records of the Managed Risk Medical Insurance Board
26 related to activities governed by Part 6.2 (commencing with Section
27 12693) or Part 6.4 (commencing with Section 12699.50) of
28 Division 2 of the Insurance Code, and that reveal any of the
29 following:

30 (A) The deliberative processes, discussions, communications,
31 or any other portion of the negotiations with entities contracting
32 or seeking to contract with the board, entities with which the board
33 is considering a contract, or entities with which the board is
34 considering or enters into any other arrangement under which the
35 board provides, receives, or arranges services or reimbursement.

36 (B) The impressions, opinions, recommendations, meeting
37 minutes, research, work product, theories, or strategy of the board
38 or its staff, or records that provide instructions, advice, or training
39 to employees.

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

7 (B) If a contract entered into pursuant to Part 6.2 (commencing
8 with Section 12693) or Part 6.4 (commencing with Section
9 12699.50) of Division 2 of the Insurance Code is amended, the
10 amendment shall be open to inspection one year after the effective
11 date of the amendment.

12 (3) 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 (4) 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 paragraph (2) or (3).

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

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

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

38 (ab) Critical infrastructure information, as defined in Section
39 131(3) of Title 6 of the United States Code, that is voluntarily
40 submitted to the Office of Emergency Services for use by that

1 office, including the identity of the person who or entity that
2 voluntarily submitted the information. As used in this subdivision,
3 “voluntarily submitted” means submitted in the absence of the
4 office exercising any legal authority to compel access to or
5 submission of critical infrastructure information. This subdivision
6 shall not affect the status of information in the possession of any
7 other state or local governmental agency.

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

13 (ad) The following records of the State Compensation Insurance
14 Fund:

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

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

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

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

38 (5) (A) Records that are trade secrets pursuant to Section
39 6276.44, or Article 11 (commencing with Section 1060) of Chapter
40 4 of Division 8 of the Evidence Code, including without limitation,

1 instructions, advice, or training provided by the State Compensation
2 Insurance Fund to its board members, officers, and employees
3 regarding the fund's special investigation unit, internal audit unit,
4 and informational security, marketing, rating, pricing, underwriting,
5 claims handling, audits, and collections.

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

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

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

19 (ii) Papers, correspondence, memoranda, or any substantive
20 information pertaining to any audit not completed or an internal
21 audit that contains proprietary information.

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

28 (7) (A) Except as provided in subparagraph (C), contracts
29 entered into pursuant to Chapter 4 (commencing with Section
30 11770) of Part 3 of Division 2 of the Insurance Code shall be open
31 to inspection one year after the contract has been fully executed.

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

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

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

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

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

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

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