

AMENDED IN ASSEMBLY MAY 1, 2014

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2147

Introduced by Assembly Member Melendez

February 20, 2014

An act to add Section 8310.9 to the Government Code, relating to state information practices.

LEGISLATIVE COUNSEL'S DIGEST

AB 2147, as amended, Melendez. State government *Internet Web sites: information practices.*

Existing law prescribes the procedures for state agencies to follow in the collection, maintenance, and dissemination of personal information, as defined, in order to protect the privacy of individuals. Existing law prohibits an agency from disclosing personal information in a manner that would link the information disclosed to the individual to whom it pertains, with specified exceptions.

This bill would require a state ~~entity~~, *agency*, as defined, that uses an Internet Web site to obtain information by means of an electronic form *and shares that information with another state agency or private party* to include a specified disclosure notice clearly displayed in direct proximity above the button used to submit the form. The disclosure would acknowledge that the information is being collected and may be shared. The bill would also prohibit a state ~~entity~~ *agency* using an electronic form, as described above, to utilize or share any information provided *on the form* until the person entering information into the form specifically acts to submit the form.

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 8310.9 is added to the Government Code,
2 to read:

3 8310.9. (a) For purposes of this section, ~~“state entity” means~~
4 ~~any agency, department, bureau, board, or commission of any kind.~~
5 *“state agency” includes every state office, officer, department,*
6 *division, bureau, board, and commission, including the California*
7 *State University.*

8 (b) A ~~state entity~~ *agency* that uses an Internet Web site to obtain
9 information by means of an electronic form *and shares that*
10 *information with another state agency or private party* shall include
11 the following disclosure notice clearly displayed in a minimum of
12 12-point boldface type, in direct proximity above the button used
13 to submit the form:

14
15 By submitting this form, I acknowledge that this information is
16 being collected by the state and may be shared with another state
17 agency or a private party in accordance with Section 1798.24 of
18 the Civil Code and the Information Practices Act of 1977 generally.

19
20 (c) A ~~state entity~~ *agency* that uses an Internet Web site to obtain
21 information by means of an electronic form shall not utilize or
22 share any information provided *on the form* until the person
23 entering information into the form specifically acts to submit the
24 form. Information in partially completed forms that have not been
25 formally submitted shall not be utilized or otherwise shared.