

AMENDED IN ASSEMBLY APRIL 23, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2152**

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**Introduced by Assembly Member Levine**

February 20, 2014

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An act to add Chapter 2.7 (commencing with Section 99130) to ~~part~~ Part 65 of Division 14 of Title 3 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2152, as amended, Levine. ~~Public postsecondary education: federal contracts.~~ *Public postsecondary education institutions: contracts with federal intelligence agencies.*

Existing law establishes the University of California, the California State University, the California Community Colleges, and private or independent institutions of higher education as the segments of public postsecondary education in this state.

This bill would require the University of California, the California State University, the California Community Colleges, any private or independent institution of higher education, and any campus or research institution that is a part of, *managed by*, or affiliated with, any of those segments, to ~~report annually on any contract with a federal agency to which it is a party. The bill would require that the report be made publicly available on the Internet Web site of the segment of which the institution is a part, or with which the institution is affiliated~~ *determine whether a proposed contract with a federal intelligence agency would involve the analysis or processing of personally identifiable information, as defined, and if so, would provide for the institution to require the federal intelligence agency to disclose whether the personally*

*identifiable information was collected with the knowledge of the individuals to whom it pertains. The bill would require certain of those contracts to be approved by the governing board of the institution at an open and public meeting, and would require disclosure of the type of research and information sought by the federal intelligence agency. The bill would require annual disclosure by the institution of the number of contracts entered into where the federal intelligence agency sponsoring the contract imposes a limit or restriction on the publication of research. The bill would prohibit an institution from entering into a contract with a federal intelligence agency that imposes limits or restrictions on the publication of research if the contract would involve the analysis or processing of personally identifiable information collected without the knowledge of the individuals to whom it pertains.*

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. Chapter 2.7 (commencing with Section 99130)  
2 is added to Part 65 of Division 14 of Title 3 of the Education Code,  
3 to read:

4  
5 CHAPTER 2.7. ~~FEDERAL CONTRACTS WITH FEDERAL~~  
6 ~~INTELLIGENCE AGENCIES~~  
7

8 ~~99130. (a) The University of California, the California State~~  
9 ~~University, the California Community Colleges, any private or~~  
10 ~~independent institution of higher education, and any campus or~~  
11 ~~research institution that is a part of, or affiliated with, any of those~~  
12 ~~segments, shall report annually on any contract with a federal~~  
13 ~~agency to which it is a party.~~

14 ~~(b) The report required by this section shall identify the federal~~  
15 ~~agency with which it has contracted.~~

16 ~~(c) The report required by this section shall be made publicly~~  
17 ~~available on the Internet Web site of the segment of which the~~  
18 ~~institution is a part, or with which the institution is affiliated.~~

19 *99130. (a) The University of California, the California State*  
20 *University, the California Community Colleges, any private or*  
21 *independent institution of higher education, and any campus or*  
22 *research institution that is a part of, managed by, or affiliated with*

1 any of those segments, shall, prior to entering into a contract with  
2 a federal intelligence agency, determine whether the proposed  
3 contract would involve the analysis or processing of personally  
4 identifiable information. If the institution determines that this is  
5 the case, it shall require the federal intelligence agency to disclose  
6 whether the personally identifiable information was collected with  
7 the knowledge of the individuals to whom it pertains.

8 (b) An institution described in subdivision (a) shall require a  
9 proposed contract to be approved at an open and public meeting  
10 of the institution's governing board and shall disclose the type of  
11 research and information sought by the federal intelligence agency,  
12 if the proposed contract would do any of the following:

13 (1) Involve the analysis or processing of personally identifiable  
14 information that was collected without the knowledge of the  
15 individuals to whom it pertains.

16 (2) Involve the analysis or processing of disaggregated  
17 personally identifiable information, or deidentified but  
18 reidentifiable information, about individuals.

19 (3) Potentially assist in the analytical processing of personally  
20 identifiable information of individuals.

21 (4) Assist in the conduct of surveillance activities performed  
22 by, or on behalf of, a federal intelligence agency.

23 (c) An institution described in subdivision (a) shall disclose, on  
24 an annual basis, the number of contracts with federal intelligence  
25 agencies where the agency sponsoring the contract imposes a limit  
26 or restriction on the publication of research.

27 (d) An institution described in subdivision (a) shall not enter  
28 into a contract with a federal intelligence agency that imposes  
29 limits or restrictions on the publication of research if the contract  
30 would involve the analysis or processing of personally identifiable  
31 information collected without the knowledge of the individuals to  
32 whom it pertains.

33 (e) As used in this section, the following terms have the following  
34 meanings:

35 (1) "Individual" means a natural person, regardless of  
36 citizenship.

37 (2) "Personally identifiable information" means information  
38 that can be used to distinguish or trace an individual's identity,  
39 including, but not limited to, an individual's name, social security  
40 number, or biometric records, whether alone or when combined

- 1 *with other personal or identifying information that is linked or*
- 2 *linkable to a specific individual.*

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