

AMENDED IN ASSEMBLY MAY 7, 2014

AMENDED IN ASSEMBLY APRIL 23, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2152

Introduced by Assembly Member Levine

February 20, 2014

An act to add Chapter 2.7 (commencing with Section 99130) to 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 institutions: contracts with federal intelligence agencies.

Existing law establishes the University of California, the California State University, *and* the California Community Colleges, ~~and private or independent institutions of higher education~~ as the 3 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 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. CONTRACTS WITH FEDERAL INTELLIGENCE
6 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, managed by, or affiliated with
12 any of those segments, shall, prior to entering into a contract with
13 a federal intelligence agency, determine whether the proposed
14 contract would involve the analysis or processing of personally
15 identifiable information. If the institution determines that this is
16 the case, it shall require the federal intelligence agency to disclose
17 whether the personally identifiable information was collected with
18 the knowledge of the individuals to whom it pertains.

19 (b) An institution described in subdivision (a) shall require a
20 proposed contract to be approved at an open and public meeting
21 of the institution’s governing board and shall disclose the type of
22 research and information sought by the federal intelligence agency,
23 if the proposed contract would do any of the following:

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

4 (2) Involve the analysis or processing of disaggregated
5 personally identifiable information, or deidentified but
6 reidentifiable information, about individuals.

7 (3) Potentially assist in the analytical processing of personally
8 identifiable information of individuals.

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

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

15 (d) An institution described in subdivision (a) shall not enter
16 into a contract with a federal intelligence agency that imposes
17 limits or restrictions on the publication of research if the contract
18 would involve the analysis or processing of personally identifiable
19 information collected without the knowledge of the individuals to
20 whom it pertains.

21 (e) As used in this section, the following terms have the
22 following meanings:

23 (1) "Individual" means a natural person, regardless of
24 citizenship.

25 (2) "Personally identifiable information" means information
26 that can be used to distinguish or trace an individual's identity,
27 including, but not limited to, an individual's name, social security
28 number, or biometric records, whether alone or when combined
29 with other personal or identifying information that is linked or
30 linkable to a specific individual.