

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1707

Introduced by Assembly Member Members Linder and Dababneh
(Principal coauthor: Assembly Member Cristina Garcia)
(Coauthors: Assembly Members Travis Allen, Brough, Hadley, Lackey,
and Olsen)

January 25, 2016

An act to amend Section 6255 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1707, as amended, Linder. Public records: response to request.

The California Public Records Act requires state and local agencies to make public records available for inspection, unless an exemption from disclosure applies. *Existing law requires an agency to justify withholding any record by demonstrating that the record is exempt under express provisions of the act or that the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure.* The act requires a response to a written request for public records that includes a denial of the request, in whole or in part, to be in writing.

~~This bill instead would require that response to be in writing regardless of whether the request was in writing. The bill would require that written response additionally to include a list that contains the title or other identification of each record requested but withheld due to an exemption and the specific exemption that applies to that record. the written response demonstrating that the record in question is exempt under an express provision of the act also to identify the type or types of record~~

withheld and the specific exemption that justifies withholding that type of record. Because local agencies would be required to comply with this new requirement, this bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

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 no reimbursement is required by this act for a specified reason.

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 6255 of the Government Code is amended
2 to read:

3 6255. (a) The agency shall justify withholding any record by
4 demonstrating that the record in question is exempt under express
5 provisions of this chapter or that on the facts of the particular case
6 the public interest served by not disclosing the record clearly
7 outweighs the public interest served by disclosure of the record.

8 (b) A response to ~~any~~ *a written* request for inspection or copies
9 of public records that includes a determination that the request is
10 denied, in whole or in part, shall be in writing. ~~That written~~
11 ~~response also shall include a list that contains both of the following:~~
12 *The written response demonstrating that the record in question is*
13 *exempt under an express provision of this chapter also shall*
14 *identify the type or types of record withheld and the specific*
15 *exemption that justifies withholding that type of record.*

16 ~~(1) The title or other identification of each record requested but~~
17 ~~withheld due to an exemption.~~

18 ~~(2) The specific exemption that applies to that record.~~

1 SEC. 2. The Legislature finds and declares that Section 1 of
2 this act, which amends Section 6255 of the Government Code,
3 furthers, within the meaning of paragraph (7) of subdivision (b)
4 of Section 3 of Article I of the California Constitution, the purposes
5 of that constitutional section as it relates to the right of public
6 access to the meetings of local public bodies or the writings of
7 local public officials and local agencies. Pursuant to paragraph (7)
8 of subdivision (b) of Section 3 of Article I of the California
9 Constitution, the Legislature makes the following findings:

10 Because the people have the right of access to information
11 concerning the conduct of the people’s business, requiring local
12 agencies ~~to provide a written response to any request for public~~
13 ~~records that is denied and to include in that response a list of each~~
14 ~~record being withheld due to an exemption from disclosure and~~
15 ~~the specific exemption that applies furthers the purposes of Section~~
16 ~~3 of Article I. *also to identify in the written response demonstrating*~~
17 ~~*that the record is exempt under an express provision of the*~~
18 ~~*California Public Records Act the type or types of record withheld,*~~
19 ~~*and the specific exemption that applies, furthers the purposes of*~~
20 ~~*Section 3 of Article I.*~~

21 SEC. 3. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district under this act would result from a legislative mandate that
25 is within the scope of paragraph (7) of subdivision (b) of Section
26 3 of Article I of the California Constitution.