

**ASSEMBLY BILL**

**No. 2219**

---

---

**Introduced by Assembly Member Wagner**

February 18, 2016

---

---

An act to amend Sections 6254 and 12590 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2219, as introduced, Wagner. Attorney General: schedule of donors: confidentiality.

The California Public Records Act, except as specified, requires every state or local agency, upon request, to make records available to any person upon payment of fees to cover costs. The act exempts specific types of listed records from disclosure, including, among other things, records that are exempt or prohibited from disclosure pursuant to federal or state law, as specified.

This bill would specify that those records include a schedule of donors that is exempt from public disclosure under federal law and is provided to the Attorney General as a condition of registration or maintenance of tax exempt status by an organization that is registered as a tax exempt entity under federal law.

Existing law, the Uniform Supervision of Trustees and Fundraisers for Charitable Purposes Act, requires a commercial fundraiser for charitable purposes and a fundraising counsel for charitable purposes to register with and to file specified reports with the Attorney General's Registry of Charitable Trusts, and provides that these documents are subject to public inspection, as specified.

This bill would prohibit the disclosure of a schedule of donors, as defined, by any employee, agent, or official employed by the Attorney

General, or any employee, agent, or official of any other agency that has received a schedule of donors from the Attorney General for governmental purposes. The bill would subject an unlawful disclosure to a civil penalty of \$10,000, and an additional civil penalty of \$25,000 if that disclosure was willful, intentional, or reckless, as specified.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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, this
- 4 chapter does not require the disclosure of any of the following
- 5 records:
- 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) Records 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).

1 (3) Preliminary drafts, notes, or interagency or intra-agency  
2 communications prepared by, on behalf of, or for the use of, any  
3 state agency referred to in paragraph (1).

4 (4) Information received in confidence by any state agency  
5 referred to in paragraph (1).

6 (e) Geological and geophysical data, plant production data, and  
7 similar information relating to utility systems development, or  
8 market or crop reports, that are obtained in confidence from any  
9 person.

10 (f) Records of complaints to, or investigations conducted by,  
11 or records of intelligence information or security procedures of,  
12 the office of the Attorney General and the Department of Justice,  
13 the Office of Emergency Services and any state or local police  
14 agency, or any investigatory or security files compiled by any other  
15 state or local police agency, or any investigatory or security files  
16 compiled by any other state or local agency for correctional, law  
17 enforcement, or licensing purposes. However, state and local law  
18 enforcement agencies shall disclose the names and addresses of  
19 persons involved in, or witnesses other than confidential informants  
20 to, the incident, the description of any property involved, the date,  
21 time, and location of the incident, all diagrams, statements of the  
22 parties involved in the incident, the statements of all witnesses,  
23 other than confidential informants, to the victims of an incident,  
24 or an authorized representative thereof, an insurance carrier against  
25 which a claim has been or might be made, and any person suffering  
26 bodily injury or property damage or loss, as the result of the  
27 incident caused by arson, burglary, fire, explosion, larceny,  
28 robbery, carjacking, vandalism, vehicle theft, or a crime as defined  
29 by subdivision (b) of Section 13951, unless the disclosure would  
30 endanger the safety of a witness or other person involved in the  
31 investigation, or unless disclosure would endanger the successful  
32 completion of the investigation or a related investigation. However,  
33 this division does not require the disclosure of that portion of those  
34 investigative files that reflects the analysis or conclusions of the  
35 investigating officer.

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

39 Notwithstanding any other provision of this subdivision, state  
40 and local law enforcement agencies shall make public the following

1 information, except to the extent that disclosure of a particular  
2 item of information would endanger the safety of a person involved  
3 in an investigation or would endanger the successful completion  
4 of the investigation or a related investigation:

5 (1) The full name and occupation of every individual arrested  
6 by the agency, the individual's physical description including date  
7 of birth, color of eyes and hair, sex, height and weight, the time  
8 and date of arrest, the time and date of booking, the location of  
9 the arrest, the factual circumstances surrounding the arrest, the  
10 amount of bail set, the time and manner of release or the location  
11 where the individual is currently being held, and all charges the  
12 individual is being held upon, including any outstanding warrants  
13 from other jurisdictions and parole or probation holds.

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

39 (3) Subject to the restrictions of Section 841.5 of the Penal Code  
40 and this subdivision, the current address of every individual

1 arrested by the agency and the current address of the victim of a  
2 crime, if the requester declares under penalty of perjury that the  
3 request is made for a scholarly, journalistic, political, or  
4 governmental purpose, or that the request is made for investigation  
5 purposes by a licensed private investigator as described in Chapter  
6 11.3 (commencing with Section 7512) of Division 3 of the Business  
7 and Professions Code. However, the address of the victim of any  
8 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,  
9 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,  
10 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by  
11 Chapter 337 of the Statutes of 2006), 288.3 (as added by Section  
12 6 of Proposition 83 of the November 7, 2006, statewide general  
13 election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6  
14 of the Penal Code shall remain confidential. Address information  
15 obtained pursuant to this paragraph shall not be used directly or  
16 indirectly, or furnished to another, to sell a product or service to  
17 any individual or group of individuals, and the requester shall  
18 execute a declaration to that effect under penalty of perjury. This  
19 paragraph shall not be construed to prohibit or limit a scholarly,  
20 journalistic, political, or government use of address information  
21 obtained pursuant to this paragraph.

22 (g) Test questions, scoring keys, and other examination data  
23 used to administer a licensing examination, examination for  
24 employment, or academic examination, except as provided for in  
25 Chapter 3 (commencing with Section 99150) of Part 65 of Division  
26 14 of Title 3 of the Education Code.

27 (h) The contents of real estate appraisals or engineering or  
28 feasibility estimates and evaluations made for or by the state or  
29 local agency relative to the acquisition of property, or to  
30 prospective public supply and construction contracts, until all of  
31 the property has been acquired or all of the contract agreement  
32 obtained. However, the law of eminent domain shall not be affected  
33 by this provision.

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

38 (j) Library circulation records kept for the purpose of identifying  
39 the borrower of items available in libraries, and library and museum  
40 materials made or acquired and presented solely for reference or

1 exhibition purposes. The exemption in this subdivision shall not  
2 apply to records of fines imposed on the borrowers.

3 (k) (1) Records, the disclosure of which is exempted or  
4 prohibited pursuant to federal or state law, including, but not  
5 limited to, provisions of the Evidence Code relating to privilege.

6 (2) *This subdivision shall include, but is not limited to, a*  
7 *schedule of donors that is exempt from public disclosure pursuant*  
8 *to Section 6104 of Title 26 of the United States Code, that is*  
9 *contained in Schedule B of Internal Revenue Service Form 990*  
10 *and provided to the Attorney General as a condition of registration*  
11 *or maintenance of tax exempt status by an organization that is*  
12 *registered as a tax exempt entity under Section 501(c)(3) of the*  
13 *Internal Revenue Code.*

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

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

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

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

37 (p) Records of state agencies related to activities governed by  
38 Chapter 10.3 (commencing with Section 3512), Chapter 10.5  
39 (commencing with Section 3525), and Chapter 12 (commencing  
40 with Section 3560) of Division 4, that reveal a state agency's

1 deliberative processes, impressions, evaluations, opinions,  
2 recommendations, meeting minutes, research, work products,  
3 theories, or strategy, or that provide instruction, advice, or training  
4 to employees who do not have full collective bargaining and  
5 representation rights under these chapters. This subdivision shall  
6 not be construed to limit the disclosure duties of a state agency  
7 with respect to any other records relating to the activities governed  
8 by the employee relations acts referred to in this subdivision.

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

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

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

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

- 1 (r) Records of Native American graves, cemeteries, and sacred  
2 places and records of Native American places, features, and objects  
3 described in Sections 5097.9 and 5097.993 of the Public Resources  
4 Code maintained by, or in the possession of, the Native American  
5 Heritage Commission, another state agency, or a local agency.
- 6 (s) A final accreditation report of the Joint Commission on  
7 Accreditation of Hospitals that has been transmitted to the State  
8 Department of Health Care Services pursuant to subdivision (b)  
9 of Section 1282 of the Health and Safety Code.
- 10 (t) Records of a local hospital district, formed pursuant to  
11 Division 23 (commencing with Section 32000) of the Health and  
12 Safety Code, or the records of a municipal hospital, formed  
13 pursuant to Article 7 (commencing with Section 37600) or Article  
14 8 (commencing with Section 37650) of Chapter 5 of Part 2 of  
15 Division 3 of Title 4 of this code, that relate to any contract with  
16 an insurer or nonprofit hospital service plan for inpatient or  
17 outpatient services for alternative rates pursuant to Section 10133  
18 of the Insurance Code. However, the record shall be open to  
19 inspection within one year after the contract is fully executed.
- 20 (u) (1) Information contained in applications for licenses to  
21 carry firearms issued pursuant to Section 26150, 26155, 26170,  
22 or 26215 of the Penal Code by the sheriff of a county or the chief  
23 or other head of a municipal police department that indicates when  
24 or where the applicant is vulnerable to attack or that concerns the  
25 applicant's medical or psychological history or that of members  
26 of his or her family.
- 27 (2) The home address and telephone number of prosecutors,  
28 public defenders, peace officers, judges, court commissioners, and  
29 magistrates that are set forth in applications for licenses to carry  
30 firearms issued pursuant to Section 26150, 26155, 26170, or 26215  
31 of the Penal Code by the sheriff of a county or the chief or other  
32 head of a municipal police department.
- 33 (3) The home address and telephone number of prosecutors,  
34 public defenders, peace officers, judges, court commissioners, and  
35 magistrates that are set forth in licenses to carry firearms issued  
36 pursuant to Section 26150, 26155, 26170, or 26215 of the Penal  
37 Code by the sheriff of a county or the chief or other head of a  
38 municipal police department.
- 39 (v) (1) Records of the Managed Risk Medical Insurance Board  
40 and the State Department of Health Care Services related to



1 activities governed by Part 6.3 (commencing with Section 12695),  
2 Part 6.5 (commencing with Section 12700), Part 6.6 (commencing  
3 with Section 12739.5), or Part 6.7 (commencing with Section  
4 12739.70) of Division 2 of the Insurance Code, or Chapter 2  
5 (commencing with Section 15810) or Chapter 4 (commencing with  
6 Section 15870) of Part 3.3 of Division 9 of the Welfare and  
7 Institutions Code, and that reveal any of the following:

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

16 (B) The impressions, opinions, recommendations, meeting  
17 minutes, research, work product, theories, or strategy of the board  
18 or its staff or the department or its staff, or records that provide  
19 instructions, advice, or training to their employees.

20 (2) (A) Except for the portion of a contract that contains the  
21 rates of payment, contracts entered into pursuant to Part 6.3  
22 (commencing with Section 12695), Part 6.5 (commencing with  
23 Section 12700), Part 6.6 (commencing with Section 12739.5), or  
24 Part 6.7 (commencing with Section 12739.70) of Division 2 of the  
25 Insurance Code, or Chapter 2 (commencing with Section 15810)  
26 or Chapter 4 (commencing with Section 15870) of Part 3.3 of  
27 Division 9 of the Welfare and Institutions Code, on or after July  
28 1, 1991, shall be open to inspection one year after their effective  
29 dates.

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

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

38 (4) Notwithstanding any other law, the entire contract or  
39 amendments to a contract shall be open to inspection by the Joint  
40 Legislative Audit Committee. The committee shall maintain the

1 confidentiality of the contracts and amendments thereto, until the  
2 contracts or amendments to the contracts are open to inspection  
3 pursuant to paragraph (3).

4 (w) (1) Records of the Managed Risk Medical Insurance Board  
5 related to activities governed by Chapter 8 (commencing with  
6 Section 10700) of Part 2 of Division 2 of the Insurance Code, and  
7 that reveal the deliberative processes, discussions, communications,  
8 or any other portion of the negotiations with health plans, or the  
9 impressions, opinions, recommendations, meeting minutes,  
10 research, work product, theories, or strategy of the board or its  
11 staff, or records that provide instructions, advice, or training to  
12 employees.

13 (2) Except for the portion of a contract that contains the rates  
14 of payment, contracts for health coverage entered into pursuant to  
15 Chapter 8 (commencing with Section 10700) of Part 2 of Division  
16 2 of the Insurance Code, on or after January 1, 1993, shall be open  
17 to inspection one year after they have been fully executed.

18 (3) Notwithstanding any other law, the entire contract or  
19 amendments to a contract shall be open to inspection by the Joint  
20 Legislative Audit Committee. The committee shall maintain the  
21 confidentiality of the contracts and amendments thereto, until the  
22 contracts or amendments to the contracts are open to inspection  
23 pursuant to paragraph (2).

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

31 (y) (1) Records of the Managed Risk Medical Insurance Board  
32 and the State Department of Health Care Services related to  
33 activities governed by Part 6.2 (commencing with Section 12693)  
34 or Part 6.4 (commencing with Section 12699.50) of Division 2 of  
35 the Insurance Code or Sections 14005.26 and 14005.27 of, or  
36 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division  
37 9 of, the Welfare and Institutions Code, if the records reveal any  
38 of the following:

39 (A) The deliberative processes, discussions, communications,  
40 or any other portion of the negotiations with entities contracting

1 or seeking to contract with the board or the department, entities  
2 with which the board or department is considering a contract, or  
3 entities with which the board or department is considering or enters  
4 into any other arrangement under which the board or department  
5 provides, receives, or arranges services or reimbursement.

6 (B) The impressions, opinions, recommendations, meeting  
7 minutes, research, work product, theories, or strategy of the board  
8 or its staff, or the department or its staff, or records that provide  
9 instructions, advice, or training to employees.

10 (2) (A) Except for the portion of a contract that contains the  
11 rates of payment, contracts entered into pursuant to Part 6.2  
12 (commencing with Section 12693) or Part 6.4 (commencing with  
13 Section 12699.50) of Division 2 of the Insurance Code, on or after  
14 January 1, 1998, or Sections 14005.26 and 14005.27 of, or Chapter  
15 3 (commencing with Section 15850) of Part 3.3 of Division 9 of,  
16 the Welfare and Institutions Code shall be open to inspection one  
17 year after their effective dates.

18 (B) If a contract entered into pursuant to Part 6.2 (commencing  
19 with Section 12693) or Part 6.4 (commencing with Section  
20 12699.50) of Division 2 of the Insurance Code or Sections  
21 14005.26 and 14005.27 of, or Chapter 3 (commencing with Section  
22 15850) of Part 3.3 of Division 9 of, the Welfare and Institutions  
23 Code, is amended, the amendment shall be open to inspection one  
24 year after the effective date of the amendment.

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

29 (4) Notwithstanding any other law, the entire contract or  
30 amendments to a contract shall be open to inspection by the Joint  
31 Legislative Audit Committee. The committee shall maintain the  
32 confidentiality of the contracts and amendments thereto until the  
33 contract or amendments to a contract are open to inspection  
34 pursuant to paragraph (2) or (3).

35 (5) The exemption from disclosure provided pursuant to this  
36 subdivision for the contracts, deliberative processes, discussions,  
37 communications, negotiations, impressions, opinions,  
38 recommendations, meeting minutes, research, work product,  
39 theories, or strategy of the board or its staff, or the department or  
40 its staff, shall also apply to the contracts, deliberative processes,

1 discussions, communications, negotiations, impressions, opinions,  
2 recommendations, meeting minutes, research, work product,  
3 theories, or strategy of applicants pursuant to Part 6.4 (commencing  
4 with Section 12699.50) of Division 2 of the Insurance Code or  
5 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division  
6 9 of the Welfare and Institutions Code.

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

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

13 (ab) Critical infrastructure information, as defined in Section  
14 131(3) of Title 6 of the United States Code, that is voluntarily  
15 submitted to the Office of Emergency Services for use by that  
16 office, including the identity of the person who or entity that  
17 voluntarily submitted the information. As used in this subdivision,  
18 "voluntarily submitted" means submitted in the absence of the  
19 office exercising any legal authority to compel access to or  
20 submission of critical infrastructure information. This subdivision  
21 shall not affect the status of information in the possession of any  
22 other state or local governmental agency.

23 (ac) All information provided to the Secretary of State by a  
24 person for the purpose of registration in the Advance Health Care  
25 Directive Registry, except that those records shall be released at  
26 the request of a health care provider, a public guardian, or the  
27 registrant's legal representative.

28 (ad) The following records of the State Compensation Insurance  
29 Fund:

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

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

37 (3) Records related to the impressions, opinions,  
38 recommendations, meeting minutes of meetings or sessions that  
39 are lawfully closed to the public, research, work product, theories,  
40 or strategy of the fund or its staff, on the development of rates,

1 contracting strategy, underwriting, or competitive strategy pursuant  
2 to the powers granted to the fund in Chapter 4 (commencing with  
3 Section 11770) of Part 3 of Division 2 of the Insurance Code.

4 (4) Records obtained to provide workers' compensation  
5 insurance under Chapter 4 (commencing with Section 11770) of  
6 Part 3 of Division 2 of the Insurance Code, including, but not  
7 limited to, any medical claims information, policyholder  
8 information provided that nothing in this paragraph shall be  
9 interpreted to prevent an insurance agent or broker from obtaining  
10 proprietary information or other information authorized by law to  
11 be obtained by the agent or broker, and information on rates,  
12 pricing, and claims handling received from brokers.

13 (5) (A) Records that are trade secrets pursuant to Section  
14 6276.44, or Article 11 (commencing with Section 1060) of Chapter  
15 4 of Division 8 of the Evidence Code, including without limitation,  
16 instructions, advice, or training provided by the State Compensation  
17 Insurance Fund to its board members, officers, and employees  
18 regarding the fund's special investigation unit, internal audit unit,  
19 and informational security, marketing, rating, pricing, underwriting,  
20 claims handling, audits, and collections.

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

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

28 (i) Personal papers and correspondence of any person providing  
29 assistance to the fund when that person has requested in writing  
30 that his or her papers and correspondence be kept private and  
31 confidential. Those papers and correspondence shall become public  
32 records if the written request is withdrawn, or upon order of the  
33 fund.

34 (ii) Papers, correspondence, memoranda, or any substantive  
35 information pertaining to any audit not completed or an internal  
36 audit that contains proprietary information.

37 (B) Notwithstanding subparagraph (A), the portions of records  
38 containing proprietary information, or any information specified  
39 in subparagraph (A) shall be available for review by the Joint  
40 Legislative Audit Committee, the Bureau of State Audits, Division

1 of Workers’ Compensation, and the Department of Insurance to  
2 ensure compliance with applicable law.

3 (7) (A) Except as provided in subparagraph (C), contracts  
4 entered into pursuant to Chapter 4 (commencing with Section  
5 11770) of Part 3 of Division 2 of the Insurance Code shall be open  
6 to inspection one year after the contract has been fully executed.

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

11 (C) Three years after a contract or amendment is open to  
12 inspection pursuant to this subdivision, the portion of the contract  
13 or amendment containing the rates of payment shall be open to  
14 inspection.

15 (D) Notwithstanding any other law, the entire contract or  
16 amendments to a contract shall be open to inspection by the Joint  
17 Legislative Audit Committee. The committee shall maintain the  
18 confidentiality of the contracts and amendments thereto until the  
19 contract or amendments to a contract are open to inspection  
20 pursuant to this paragraph.

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

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

27 This section does not prevent any agency from opening its  
28 records concerning the administration of the agency to public  
29 inspection, unless disclosure is otherwise prohibited by law.

30 This section does not prevent any health facility from disclosing  
31 to a certified bargaining agent relevant financing information  
32 pursuant to Section 8 of the National Labor Relations Act (29  
33 U.S.C. Sec. 158).

34 SEC. 2. Section 12590 of the Government Code is amended  
35 to read:

36 12590. (a) Subject to reasonable rules and regulations adopted  
37 by the Attorney-~~General~~, *General and except as provided in*  
38 *subdivision (b)*, the register, copies of instruments, and the reports  
39 filed with the Attorney General shall be open to public inspection.  
40 The Attorney General shall withhold from public inspection any

1 instrument so filed whose content is not exclusively for charitable  
2 purposes.

3 *(b) (1) For purposes of this subdivision, the term “schedule of*  
4 *donors” means a schedule of donors that is exempt from public*  
5 *disclosure pursuant to Section 6104 of Title 26 of the United States*  
6 *Code, and that is contained in Schedule B of Internal Revenue*  
7 *Service From 990 and provided to the Attorney General as a*  
8 *condition of registration or maintenance of tax exempt status by*  
9 *an organization that is registered as a tax exempt entity under*  
10 *Section 501(c)(3) of the Internal Revenue Code.*

11 *(2) The Attorney General or any agent or employee of the*  
12 *Attorney General, shall not publicly disclose the schedule of*  
13 *donors. This prohibition shall apply to any person or agency that*  
14 *the Attorney General discloses the list of donors to pursuant to*  
15 *any other law.*

16 *(3) Any person who violates this subdivision shall be subject to*  
17 *a civil penalty not to exceed ten thousand dollars (\$10,000) for*  
18 *each violation. A willful, intentional, or reckless violation of this*  
19 *subdivision shall be subject to an additional civil penalty not to*  
20 *exceed twenty-five thousand dollars (\$25,000). A civil action may*  
21 *be brought pursuant to this subdivision by a donor whose*  
22 *information is publicly disclosed or by an organization that*  
23 *qualifies as tax exempt under Section 501(c)(3) of the Internal*  
24 *Revenue Code whose donors’ information has been publicly*  
25 *disclosed in violation of this subdivision. Any civil penalty assessed*  
26 *pursuant to this section shall be paid to the donor or organization*  
27 *that brought the action.*

28 SEC. 3. The Legislature finds and declares that Section 1 of  
29 this act, which amends Section 6254 of the Government Code,  
30 imposes a limitation on the public’s right of access to the meetings  
31 of public bodies or the writings of public officials and agencies  
32 within the meaning of Section 3 of Article I of the California  
33 Constitution. Pursuant to that constitutional provision, the  
34 Legislature makes the following findings to demonstrate the interest  
35 protected by this limitation and the need for protecting that interest:

36 The limitations imposed by this act establish a necessary balance  
37 between the right of the people to access information contained in  
38 public records and the legitimate privacy interests of people who

- 1 support nonprofit charitable or educational organizations that
- 2 educate the public on potentially controversial topics.

O