

AMENDED IN ASSEMBLY MARCH 31, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2219

Introduced by Assembly Member Wagner

February 18, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2219, as amended, 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 *items* with the Attorney General's Registry of Charitable ~~Trusts~~, *Trusts* and provides that ~~these documents~~ *the register, copies of instruments, and the reports filed with the Attorney General* are subject to public inspection, as specified.

Existing law requires the Attorney General to withhold any instrument so filed whose content is not exclusively for charitable purposes from 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. additionally include any instrument filed with the Attorney General for these purposes among those documents to be open to public inspection. The bill would, however, require the Attorney General to withhold from public inspection any report filed with any governmental entity, as specified, that is required by law to be kept confidential, specified portions of documents that do not relate to charitable purposes or charitable assets and that are not otherwise records, public and donor information that is exempt from public inspection under a certain federal law, except 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.~~

1 ~~(b) Records pertaining to pending litigation to which the public~~
2 ~~agency is a party, or to claims made pursuant to Division 3.6~~
3 ~~(commencing with Section 810), until the pending litigation or~~
4 ~~claim has been finally adjudicated or otherwise settled.~~

5 ~~(c) Personnel, medical, or similar files, the disclosure of which~~
6 ~~would constitute an unwarranted invasion of personal privacy.~~

7 ~~(d) Records contained in or related to any of the following:~~

8 ~~(1) Applications filed with any state agency responsible for the~~
9 ~~regulation or supervision of the issuance of securities or of financial~~
10 ~~institutions, including, but not limited to, banks, savings and loan~~
11 ~~associations, industrial loan companies, credit unions, and~~
12 ~~insurance companies.~~

13 ~~(2) Examination, operating, or condition reports prepared by,~~
14 ~~on behalf of, or for the use of, any state agency referred to in~~
15 ~~paragraph (1).~~

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

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

21 ~~(e) Geological and geophysical data, plant production data, and~~
22 ~~similar information relating to utility systems development, or~~
23 ~~market or crop reports, that are obtained in confidence from any~~
24 ~~person.~~

25 ~~(f) Records of complaints to, or investigations conducted by,~~
26 ~~or records of intelligence information or security procedures of,~~
27 ~~the office of the Attorney General and the Department of Justice,~~
28 ~~the Office of Emergency Services and any state or local police~~
29 ~~agency, or any investigatory or security files compiled by any other~~
30 ~~state or local police agency, or any investigatory or security files~~
31 ~~compiled by any other state or local agency for correctional, law~~
32 ~~enforcement, or licensing purposes. However, state and local law~~
33 ~~enforcement agencies shall disclose the names and addresses of~~
34 ~~persons involved in, or witnesses other than confidential informants~~
35 ~~to, the incident, the description of any property involved, the date,~~
36 ~~time, and location of the incident, all diagrams, statements of the~~
37 ~~parties involved in the incident, the statements of all witnesses,~~
38 ~~other than confidential informants, to the victims of an incident,~~
39 ~~or an authorized representative thereof, an insurance carrier against~~
40 ~~which a claim has been or might be made, and any person suffering~~

1 bodily injury or property damage or loss, as the result of the
2 incident caused by arson, burglary, fire, explosion, larceny,
3 robbery, carjacking, vandalism, vehicle theft, or a crime as defined
4 by subdivision (b) of Section 13951, unless the disclosure would
5 endanger the safety of a witness or other person involved in the
6 investigation, or unless disclosure would endanger the successful
7 completion of the investigation or a related investigation. However,
8 this division does not require the disclosure of that portion of those
9 investigative files that reflects the analysis or conclusions of the
10 investigating officer.

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

14 Notwithstanding any other provision of this subdivision, state
15 and local law enforcement agencies shall make public the following
16 information, except to the extent that disclosure of a particular
17 item of information would endanger the safety of a person involved
18 in an investigation or would endanger the successful completion
19 of the investigation or a related investigation:

20 (1) The full name and occupation of every individual arrested
21 by the agency, the individual's physical description including date
22 of birth, color of eyes and hair, sex, height and weight, the time
23 and date of arrest, the time and date of booking, the location of
24 the arrest, the factual circumstances surrounding the arrest, the
25 amount of bail set, the time and manner of release or the location
26 where the individual is currently being held, and all charges the
27 individual is being held upon, including any outstanding warrants
28 from other jurisdictions and parole or probation holds.

29 (2) Subject to the restrictions imposed by Section 841.5 of the
30 Penal Code, the time, substance, and location of all complaints or
31 requests for assistance received by the agency and the time and
32 nature of the response thereto, including, to the extent the
33 information regarding crimes alleged or committed or any other
34 incident investigated is recorded, the time, date, and location of
35 occurrence, the time and date of the report, the name and age of
36 the victim, the factual circumstances surrounding the crime or
37 incident, and a general description of any injuries, property, or
38 weapons involved. The name of a victim of any crime defined by
39 Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a,
40 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285,

1 286, 288, 288a, 288.2, 288.3 (as added by Chapter 337 of the
2 Statutes of 2006), 288.3 (as added by Section 6 of Proposition 83
3 of the November 7, 2006, statewide general election), 288.5, 288.7,
4 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may
5 be withheld at the victim's request, or at the request of the victim's
6 parent or guardian if the victim is a minor. When a person is the
7 victim of more than one crime, information disclosing that the
8 person is a victim of a crime defined in any of the sections of the
9 Penal Code set forth in this subdivision may be deleted at the
10 request of the victim, or the victim's parent or guardian if the
11 victim is a minor, in making the report of the crime, or of any
12 crime or incident accompanying the crime, available to the public
13 in compliance with the requirements of this paragraph.

14 (3) Subject to the restrictions of Section 841.5 of the Penal Code
15 and this subdivision, the current address of every individual
16 arrested by the agency and the current address of the victim of a
17 crime, if the requester declares under penalty of perjury that the
18 request is made for a scholarly, journalistic, political, or
19 governmental purpose, or that the request is made for investigation
20 purposes by a licensed private investigator as described in Chapter
21 11.3 (commencing with Section 7512) of Division 3 of the Business
22 and Professions Code. However, the address of the victim of any
23 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,
24 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,
25 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by
26 Chapter 337 of the Statutes of 2006), 288.3 (as added by Section
27 6 of Proposition 83 of the November 7, 2006, statewide general
28 election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6
29 of the Penal Code shall remain confidential. Address information
30 obtained pursuant to this paragraph shall not be used directly or
31 indirectly, or furnished to another, to sell a product or service to
32 any individual or group of individuals, and the requester shall
33 execute a declaration to that effect under penalty of perjury. This
34 paragraph shall not be construed to prohibit or limit a scholarly,
35 journalistic, political, or government use of address information
36 obtained pursuant to this paragraph.

37 (g) Test questions, scoring keys, and other examination data
38 used to administer a licensing examination, examination for
39 employment, or academic examination, except as provided for in

1 Chapter 3 (commencing with Section 99150) of Part 65 of Division
2 14 of Title 3 of the Education Code.

3 ~~(h) The contents of real estate appraisals or engineering or~~
4 ~~feasibility estimates and evaluations made for or by the state or~~
5 ~~local agency relative to the acquisition of property, or to~~
6 ~~prospective public supply and construction contracts, until all of~~
7 ~~the property has been acquired or all of the contract agreement~~
8 ~~obtained. However, the law of eminent domain shall not be affected~~
9 ~~by this provision.~~

10 ~~(i) Information required from any taxpayer in connection with~~
11 ~~the collection of local taxes that is received in confidence and the~~
12 ~~disclosure of the information to other persons would result in unfair~~
13 ~~competitive disadvantage to the person supplying the information.~~

14 ~~(j) Library circulation records kept for the purpose of identifying~~
15 ~~the borrower of items available in libraries, and library and museum~~
16 ~~materials made or acquired and presented solely for reference or~~
17 ~~exhibition purposes. The exemption in this subdivision shall not~~
18 ~~apply to records of fines imposed on the borrowers.~~

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

22 ~~(2) This subdivision shall include, but is not limited to, a~~
23 ~~schedule of donors that is exempt from public disclosure pursuant~~
24 ~~to Section 6104 of Title 26 of the United States Code, that is~~
25 ~~contained in Schedule B of Internal Revenue Service Form 990~~
26 ~~and provided to the Attorney General as a condition of registration~~
27 ~~or maintenance of tax exempt status by an organization that is~~
28 ~~registered as a tax exempt entity under Section 501(e)(3) of the~~
29 ~~Internal Revenue Code.~~

30 ~~(l) Correspondence of and to the Governor or employees of the~~
31 ~~Governor's office or in the custody of or maintained by the~~
32 ~~Governor's Legal Affairs Secretary. However, public records shall~~
33 ~~not be transferred to the custody of the Governor's Legal Affairs~~
34 ~~Secretary to evade the disclosure provisions of this chapter.~~

35 ~~(m) In the custody of or maintained by the Legislative Counsel,~~
36 ~~except those records in the public database maintained by the~~
37 ~~Legislative Counsel that are described in Section 10248.~~

38 ~~(n) Statements of personal worth or personal financial data~~
39 ~~required by a licensing agency and filed by an applicant with the~~

1 licensing agency to establish his or her personal qualification for
2 the license, certificate, or permit applied for.

3 ~~(e) Financial data contained in applications for financing under
4 Division 27 (commencing with Section 44500) of the Health and
5 Safety Code, if an authorized officer of the California Pollution
6 Control Financing Authority determines that disclosure of the
7 financial data would be competitively injurious to the applicant
8 and the data is required in order to obtain guarantees from the
9 United States Small Business Administration. The California
10 Pollution Control Financing Authority shall adopt rules for review
11 of individual requests for confidentiality under this section and for
12 making available to the public those portions of an application that
13 are subject to disclosure under this chapter.~~

14 ~~(p) Records of state agencies related to activities governed by
15 Chapter 10.3 (commencing with Section 3512), Chapter 10.5
16 (commencing with Section 3525), and Chapter 12 (commencing
17 with Section 3560) of Division 4, that reveal a state agency's
18 deliberative processes, impressions, evaluations, opinions,
19 recommendations, meeting minutes, research, work products,
20 theories, or strategy, or that provide instruction, advice, or training
21 to employees who do not have full collective bargaining and
22 representation rights under these chapters. This subdivision shall
23 not be construed to limit the disclosure duties of a state agency
24 with respect to any other records relating to the activities governed
25 by the employee relations acts referred to in this subdivision.~~

26 ~~(q) (1) Records of state agencies related to activities governed
27 by Article 2.6 (commencing with Section 14081), Article 2.8
28 (commencing with Section 14087.5), and Article 2.91
29 (commencing with Section 14089) of Chapter 7 of Part 3 of
30 Division 9 of the Welfare and Institutions Code, that reveal the
31 special negotiator's deliberative processes, discussions,
32 communications, or any other portion of the negotiations with
33 providers of health care services, impressions, opinions,
34 recommendations, meeting minutes, research, work product,
35 theories, or strategy, or that provide instruction, advice, or training
36 to employees.~~

37 ~~(2) Except for the portion of a contract containing the rates of
38 payment, contracts for inpatient services entered into pursuant to
39 these articles, on or after April 1, 1984, shall be open to inspection
40 one year after they are fully executed. If a contract for inpatient~~

1 services that is entered into prior to April 1, 1984, is amended on
2 or after April 1, 1984, the amendment, except for any portion
3 containing the rates of payment, shall be open to inspection one
4 year after it is fully executed. If the California Medical Assistance
5 Commission enters into contracts with health care providers for
6 other than inpatient hospital services, those contracts shall be open
7 to inspection one year after they are fully executed.

8 ~~(3) Three years after a contract or amendment is open to~~
9 ~~inspection under this subdivision, the portion of the contract or~~
10 ~~amendment containing the rates of payment shall be open to~~
11 ~~inspection.~~

12 ~~(4) Notwithstanding any other law, the entire contract or~~
13 ~~amendment shall be open to inspection by the Joint Legislative~~
14 ~~Audit Committee and the Legislative Analyst's Office. The~~
15 ~~committee and that office shall maintain the confidentiality of the~~
16 ~~contracts and amendments until the time a contract or amendment~~
17 ~~is fully open to inspection by the public.~~

18 ~~(r) Records of Native American graves, cemeteries, and sacred~~
19 ~~places and records of Native American places, features, and objects~~
20 ~~described in Sections 5097.9 and 5097.993 of the Public Resources~~
21 ~~Code maintained by, or in the possession of, the Native American~~
22 ~~Heritage Commission, another state agency, or a local agency.~~

23 ~~(s) A final accreditation report of the Joint Commission on~~
24 ~~Accreditation of Hospitals that has been transmitted to the State~~
25 ~~Department of Health Care Services pursuant to subdivision (b)~~
26 ~~of Section 1282 of the Health and Safety Code.~~

27 ~~(t) Records of a local hospital district, formed pursuant to~~
28 ~~Division 23 (commencing with Section 32000) of the Health and~~
29 ~~Safety Code, or the records of a municipal hospital, formed~~
30 ~~pursuant to Article 7 (commencing with Section 37600) or Article~~
31 ~~8 (commencing with Section 37650) of Chapter 5 of Part 2 of~~
32 ~~Division 3 of Title 4 of this code, that relate to any contract with~~
33 ~~an insurer or nonprofit hospital service plan for inpatient or~~
34 ~~outpatient services for alternative rates pursuant to Section 10133~~
35 ~~of the Insurance Code. However, the record shall be open to~~
36 ~~inspection within one year after the contract is fully executed.~~

37 ~~(u) (1) Information contained in applications for licenses to~~
38 ~~carry firearms issued pursuant to Section 26150, 26155, 26170,~~
39 ~~or 26215 of the Penal Code by the sheriff of a county or the chief~~
40 ~~or other head of a municipal police department that indicates when~~

1 or where the applicant is vulnerable to attack or that concerns the
2 applicant's medical or psychological history or that of members
3 of his or her family.

4 ~~(2) The home address and telephone number of prosecutors,
5 public defenders, peace officers, judges, court commissioners, and
6 magistrates that are set forth in applications for licenses to carry
7 firearms issued pursuant to Section 26150, 26155, 26170, or 26215
8 of the Penal Code by the sheriff of a county or the chief or other
9 head of a municipal police department.~~

10 ~~(3) The home address and telephone number of prosecutors,
11 public defenders, peace officers, judges, court commissioners, and
12 magistrates that are set forth in licenses to carry firearms issued
13 pursuant to Section 26150, 26155, 26170, or 26215 of the Penal
14 Code by the sheriff of a county or the chief or other head of a
15 municipal police department.~~

16 ~~(v) (1) Records of the Managed Risk Medical Insurance Board
17 and the State Department of Health Care Services related to
18 activities governed by Part 6.3 (commencing with Section 12695),
19 Part 6.5 (commencing with Section 12700), Part 6.6 (commencing
20 with Section 12739.5), or Part 6.7 (commencing with Section
21 12739.70) of Division 2 of the Insurance Code, or Chapter 2
22 (commencing with Section 15810) or Chapter 4 (commencing with
23 Section 15870) of Part 3.3 of Division 9 of the Welfare and
24 Institutions Code, and that reveal any of the following:~~

25 ~~(A) The deliberative processes, discussions, communications,
26 or any other portion of the negotiations with entities contracting
27 or seeking to contract with the board or the department, entities
28 with which the board or the department is considering a contract,
29 or entities with which the board or department is considering or
30 enters into any other arrangement under which the board or the
31 department provides, receives, or arranges services or
32 reimbursement.~~

33 ~~(B) The impressions, opinions, recommendations, meeting
34 minutes, research, work product, theories, or strategy of the board
35 or its staff or the department or its staff, or records that provide
36 instructions, advice, or training to their employees.~~

37 ~~(2) (A) Except for the portion of a contract that contains the
38 rates of payment, contracts entered into pursuant to Part 6.3
39 (commencing with Section 12695), Part 6.5 (commencing with
40 Section 12700), Part 6.6 (commencing with Section 12739.5), or~~

1 Part 6.7 (commencing with Section 12739.70) of Division 2 of the
2 Insurance Code, or Chapter 2 (commencing with Section 15810)
3 or Chapter 4 (commencing with Section 15870) of Part 3.3 of
4 Division 9 of the Welfare and Institutions Code, on or after July
5 1, 1991, shall be open to inspection one year after their effective
6 dates.

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

11 (3) 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 (4) 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 contracts or amendments to the contracts are open to inspection
20 pursuant to paragraph (3).

21 (w) (1) Records of the Managed Risk Medical Insurance Board
22 related to activities governed by Chapter 8 (commencing with
23 Section 10700) of Part 2 of Division 2 of the Insurance Code, and
24 that reveal the deliberative processes, discussions, communications,
25 or any other portion of the negotiations with health plans, or the
26 impressions, opinions, recommendations, meeting minutes,
27 research, work product, theories, or strategy of the board or its
28 staff, or records that provide instructions, advice, or training to
29 employees.

30 (2) Except for the portion of a contract that contains the rates
31 of payment, contracts for health coverage entered into pursuant to
32 Chapter 8 (commencing with Section 10700) of Part 2 of Division
33 2 of the Insurance Code, on or after January 1, 1993, shall be open
34 to inspection one year after they have been fully executed.

35 (3) Notwithstanding any other law, the entire contract or
36 amendments to a contract shall be open to inspection by the Joint
37 Legislative Audit Committee. The committee shall maintain the
38 confidentiality of the contracts and amendments thereto, until the
39 contracts or amendments to the contracts are open to inspection
40 pursuant to paragraph (2).

1 ~~(x) Financial data contained in applications for registration, or~~
2 ~~registration renewal, as a service contractor filed with the Director~~
3 ~~of Consumer Affairs pursuant to Chapter 20 (commencing with~~
4 ~~Section 9800) of Division 3 of the Business and Professions Code,~~
5 ~~for the purpose of establishing the service contractor's net worth,~~
6 ~~or financial data regarding the funded accounts held in escrow for~~
7 ~~service contracts held in force in this state by a service contractor.~~

8 ~~(y) (1) Records of the Managed Risk Medical Insurance Board~~
9 ~~and the State Department of Health Care Services related to~~
10 ~~activities governed by Part 6.2 (commencing with Section 12693)~~
11 ~~or Part 6.4 (commencing with Section 12699.50) of Division 2 of~~
12 ~~the Insurance Code or Sections 14005.26 and 14005.27 of, or~~
13 ~~Chapter 3 (commencing with Section 15850) of Part 3.3 of Division~~
14 ~~9 of, the Welfare and Institutions Code, if the records reveal any~~
15 ~~of the following:~~

16 ~~(A) The deliberative processes, discussions, communications,~~
17 ~~or any other portion of the negotiations with entities contracting~~
18 ~~or seeking to contract with the board or the department, entities~~
19 ~~with which the board or department is considering a contract, or~~
20 ~~entities with which the board or department is considering or enters~~
21 ~~into any other arrangement under which the board or department~~
22 ~~provides, receives, or arranges services or reimbursement.~~

23 ~~(B) The impressions, opinions, recommendations, meeting~~
24 ~~minutes, research, work product, theories, or strategy of the board~~
25 ~~or its staff, or the department or its staff, or records that provide~~
26 ~~instructions, advice, or training to employees.~~

27 ~~(2) (A) Except for the portion of a contract that contains the~~
28 ~~rates of payment, contracts entered into pursuant to Part 6.2~~
29 ~~(commencing with Section 12693) or Part 6.4 (commencing with~~
30 ~~Section 12699.50) of Division 2 of the Insurance Code, on or after~~
31 ~~January 1, 1998, or Sections 14005.26 and 14005.27 of, or Chapter~~
32 ~~3 (commencing with Section 15850) of Part 3.3 of Division 9 of,~~
33 ~~the Welfare and Institutions Code shall be open to inspection one~~
34 ~~year after their effective dates.~~

35 ~~(B) If a contract entered into pursuant to Part 6.2 (commencing~~
36 ~~with Section 12693) or Part 6.4 (commencing with Section~~
37 ~~12699.50) of Division 2 of the Insurance Code or Sections~~
38 ~~14005.26 and 14005.27 of, or Chapter 3 (commencing with Section~~
39 ~~15850) of Part 3.3 of Division 9 of, the Welfare and Institutions~~

1 Code, is amended, the amendment shall be open to inspection one
2 year after the effective date of the amendment.

3 ~~(3) Three years after a contract or amendment is open to~~
4 ~~inspection pursuant to this subdivision, the portion of the contract~~
5 ~~or amendment containing the rates of payment shall be open to~~
6 ~~inspection.~~

7 ~~(4) Notwithstanding any other law, the entire contract or~~
8 ~~amendments to a contract shall be open to inspection by the Joint~~
9 ~~Legislative Audit Committee. The committee shall maintain the~~
10 ~~confidentiality of the contracts and amendments thereto until the~~
11 ~~contract or amendments to a contract are open to inspection~~
12 ~~pursuant to paragraph (2) or (3).~~

13 ~~(5) The exemption from disclosure provided pursuant to this~~
14 ~~subdivision for the contracts, deliberative processes, discussions,~~
15 ~~communications, negotiations, impressions, opinions,~~
16 ~~recommendations, meeting minutes, research, work product,~~
17 ~~theories, or strategy of the board or its staff, or the department or~~
18 ~~its staff, shall also apply to the contracts, deliberative processes,~~
19 ~~discussions, communications, negotiations, impressions, opinions,~~
20 ~~recommendations, meeting minutes, research, work product,~~
21 ~~theories, or strategy of applicants pursuant to Part 6.4 (commencing~~
22 ~~with Section 12699.50) of Division 2 of the Insurance Code or~~
23 ~~Chapter 3 (commencing with Section 15850) of Part 3.3 of Division~~
24 ~~9 of the Welfare and Institutions Code.~~

25 ~~(z) Records obtained pursuant to paragraph (2) of subdivision~~
26 ~~(f) of Section 2891.1 of the Public Utilities Code.~~

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

31 ~~(ab) Critical infrastructure information, as defined in Section~~
32 ~~131(3) of Title 6 of the United States Code, that is voluntarily~~
33 ~~submitted to the Office of Emergency Services for use by that~~
34 ~~office, including the identity of the person who or entity that~~
35 ~~voluntarily submitted the information. As used in this subdivision,~~
36 ~~"voluntarily submitted" means submitted in the absence of the~~
37 ~~office exercising any legal authority to compel access to or~~
38 ~~submission of critical infrastructure information. This subdivision~~
39 ~~shall not affect the status of information in the possession of any~~
40 ~~other state or local governmental agency.~~

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

6 ~~(ad) The following records of the State Compensation Insurance~~
7 ~~Fund:~~

8 ~~(1) Records related to claims pursuant to Chapter 1~~
9 ~~(commencing with Section 3200) of Division 4 of the Labor Code,~~
10 ~~to the extent that confidential medical information or other~~
11 ~~individually identifiable information would be disclosed.~~

12 ~~(2) Records related to the discussions, communications, or any~~
13 ~~other portion of the negotiations with entities contracting or seeking~~
14 ~~to contract with the fund, and any related deliberations.~~

15 ~~(3) Records related to the impressions, opinions,~~
16 ~~recommendations, meeting minutes of meetings or sessions that~~
17 ~~are lawfully closed to the public, research, work product, theories,~~
18 ~~or strategy of the fund or its staff, on the development of rates,~~
19 ~~contracting strategy, underwriting, or competitive strategy pursuant~~
20 ~~to the powers granted to the fund in Chapter 4 (commencing with~~
21 ~~Section 11770) of Part 3 of Division 2 of the Insurance Code.~~

22 ~~(4) Records obtained to provide workers' compensation~~
23 ~~insurance under Chapter 4 (commencing with Section 11770) of~~
24 ~~Part 3 of Division 2 of the Insurance Code, including, but not~~
25 ~~limited to, any medical claims information, policyholder~~
26 ~~information provided that nothing in this paragraph shall be~~
27 ~~interpreted to prevent an insurance agent or broker from obtaining~~
28 ~~proprietary information or other information authorized by law to~~
29 ~~be obtained by the agent or broker, and information on rates,~~
30 ~~pricing, and claims handling received from brokers.~~

31 ~~(5) (A) Records that are trade secrets pursuant to Section~~
32 ~~6276.44, or Article 11 (commencing with Section 1060) of Chapter~~
33 ~~4 of Division 8 of the Evidence Code, including without limitation,~~
34 ~~instructions, advice, or training provided by the State Compensation~~
35 ~~Insurance Fund to its board members, officers, and employees~~
36 ~~regarding the fund's special investigation unit, internal audit unit,~~
37 ~~and informational security, marketing, rating, pricing, underwriting,~~
38 ~~claims handling, audits, and collections.~~

39 ~~(B) Notwithstanding subparagraph (A), the portions of records~~
40 ~~containing trade secrets shall be available for review by the Joint~~

1 Legislative Audit Committee, the Bureau of State Audits, Division
2 of Workers' Compensation, and the Department of Insurance to
3 ensure compliance with applicable law.

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

6 (i) Personal papers and correspondence of any person providing
7 assistance to the fund when that person has requested in writing
8 that his or her papers and correspondence be kept private and
9 confidential. Those papers and correspondence shall become public
10 records if the written request is withdrawn, or upon order of the
11 fund.

12 (ii) Papers, correspondence, memoranda, or any substantive
13 information pertaining to any audit not completed or an internal
14 audit that contains proprietary information.

15 (B) Notwithstanding subparagraph (A), the portions of records
16 containing proprietary information, or any information specified
17 in subparagraph (A) shall be available for review by the Joint
18 Legislative Audit Committee, the Bureau of State Audits, Division
19 of Workers' Compensation, and the Department of Insurance to
20 ensure compliance with applicable law.

21 (7) (A) Except as provided in subparagraph (C), contracts
22 entered into pursuant to Chapter 4 (commencing with Section
23 11770) of Part 3 of Division 2 of the Insurance Code shall be open
24 to inspection one year after the contract has been fully executed.

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

29 (C) Three years after a contract or amendment is open to
30 inspection pursuant to this subdivision, the portion of the contract
31 or amendment containing the rates of payment shall be open to
32 inspection.

33 (D) Notwithstanding any other law, the entire contract or
34 amendments to a contract shall be open to inspection by the Joint
35 Legislative Audit Committee. The committee shall maintain the
36 confidentiality of the contracts and amendments thereto until the
37 contract or amendments to a contract are open to inspection
38 pursuant to this paragraph.

1 ~~(E) This paragraph is not intended to apply to documents related~~
2 ~~to contracts with public entities that are not otherwise expressly~~
3 ~~confidential as to that public entity.~~

4 ~~(F) For purposes of this paragraph, “fully executed” means the~~
5 ~~point in time when all of the necessary parties to the contract have~~
6 ~~signed the contract.~~

7 ~~This section does not prevent any agency from opening its~~
8 ~~records concerning the administration of the agency to public~~
9 ~~inspection, unless disclosure is otherwise prohibited by law.~~

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

14 ~~SEC. 2.~~

15 *SECTION 1.* Section 12590 of the Government Code is
16 amended to read:

17 12590. (a) Subject to reasonable rules and regulations adopted
18 by the Attorney General and except as provided in subdivision (b),
19 the register, copies of instruments, *documents*, and the reports filed
20 with the Attorney General shall be open to public inspection. ~~The~~

21 ~~(b) The Attorney General shall withhold from public inspection~~
22 ~~any instrument so filed whose content is not exclusively for~~
23 ~~charitable purposes. *inspection, pursuant to this subdivision or*~~
24 ~~*subdivision (k) of Section 6254, the following:*~~

25 ~~(1) Any report filed with any other governmental agency of this~~
26 ~~state, another state, the United States, or any governmental~~
27 ~~subdivision thereof that is required by law to be kept confidential.~~

28 ~~(2) Upon request of a charity or charitable fiduciary, any part~~
29 ~~of a document filed with the Attorney General that does not relate~~
30 ~~to charitable purposes or charitable assets and that is not otherwise~~
31 ~~a public record.~~

32 ~~(3) Donor information that is exempt from public disclosure~~
33 ~~pursuant to subparagraph (A) of paragraph (3) of subdivision (d)~~
34 ~~of Section 6104 of the Internal Revenue Code, unless either of the~~
35 ~~following apply:~~

36 ~~(A) The disclosure is pursuant to a court or administrative~~
37 ~~proceeding brought pursuant to the Attorney General’s charitable~~
38 ~~trust enforcement responsibilities.~~

39 ~~(B) The disclosure is in response to a search warrant.~~

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

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

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

26 ~~SEC. 3:~~

27 ~~SEC. 2.~~ The Legislature finds and declares that Section 1 of
 28 this act, which amends Section ~~6254~~ 12590 of the Government
 29 Code, imposes a limitation on the public’s right of access to the
 30 meetings of public bodies or the writings of public officials and
 31 agencies within the meaning of Section 3 of Article I of the
 32 California Constitution. Pursuant to that constitutional provision,
 33 the Legislature makes the following findings to demonstrate the
 34 interest protected by this limitation and the need for protecting
 35 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
 39 support nonprofit charitable or educational organizations ~~that~~
 40 educate the public on potentially controversial topics. *in a manner*

1 *that is consistent with protections for the same information that*
2 *is provided under federal law, including, but not limited to,*
3 *subparagraph (A) of paragraph (3) of subdivision (d) of Section*
4 *6104 of the Internal Revenue Code.*

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