

ASSEMBLY BILL

No. 2611

Introduced by Assembly Member Low

February 19, 2016

An act to amend Section 6254 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 2611, as introduced, Low. The California Public Records Act: exemptions.

Existing law, the California Public Records Act, requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. The act declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. Existing law also requires every public agency to comply with the California Public Records Act and with any subsequent statutory enactment amending the act, or enacting or amending any successor act.

Existing law exempts from disclosure any investigatory or security file compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes.

This bill would expand that exemption to include any investigatory or security audio or video recording.

Existing law requires state and local law enforcement agencies to disclose the names and addresses of persons involved in complaints or investigations and various other information related to an incident to a victim or any person who suffers bodily injury or property damage or

loss as the result of specified incidents or crimes unless the disclosure would endanger the safety of a witness or other person involved in the investigation.

This bill would expand this exception to include disclosures that would endanger the privacy of those persons, and would specify that the disclosure exception applies to disclosures about a victim.

Existing law requires state and local law enforcement agencies to make public specific specified information relating to individuals arrested by the agency for the commission of a crime and the circumstances surrounding all complaints or requests for assistance, among other things, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in the investigation.

This bill would further expand that exception to include a disclosure that would endanger the privacy of a person involved in the investigation.

The bill would exempt from disclosure any audio or video recording depicting the death or serious bodily injury of a peace officer.

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.

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 bill would also make other technical, nonsubstantive changes.

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:

SECTION 1. Section 6254 of the Government Code is amended to read:

6254. Except as provided in Sections 6254.7 and 6254.13, this chapter does not require the disclosure of any of the following records:

(a) Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure.

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

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

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

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

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

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

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

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

(f) Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and any state or local police agency, or any investigatory or security files, including audio

1 *or video recordings*, compiled by any other state or local police
2 agency, or any investigatory or security files compiled by any other
3 state or local agency for correctional, law enforcement, or licensing
4 purposes. ~~However,~~

5 *However*, state and local law enforcement agencies shall disclose
6 the names and addresses of persons involved in, or witnesses other
7 than confidential informants to, the incident, the description of
8 any property involved, the date, time, and location of the incident,
9 all diagrams, statements of the parties involved in the incident, the
10 statements of all witnesses, other than confidential informants, to
11 the victims of an incident, or an authorized representative thereof,
12 an insurance carrier against which a claim has been or might be
13 made, and any person suffering bodily injury or property damage
14 or loss, as the result of the incident caused by arson, burglary, fire,
15 explosion, larceny, robbery, carjacking, vandalism, vehicle theft,
16 or a crime as defined by subdivision (b) of Section 13951, unless
17 the disclosure would endanger the safety ~~of a witness or~~ *or privacy*
18 *of a witness, a victim, or any other person* involved in the
19 investigation, or unless disclosure would endanger the successful
20 completion of the investigation or a related investigation. ~~However,~~

21 *However*, this ~~division~~ *subdivision* does not require the
22 disclosure of that portion of those investigative files that reflects
23 the analysis or conclusions of the investigating officer.

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

27 Notwithstanding any other provision of this subdivision, state
28 and local law enforcement agencies shall make public the following
29 information, except to the extent that disclosure of a particular
30 item of information would endanger the safety *or privacy* of a
31 person involved in an investigation or would endanger the
32 successful completion of the investigation or a related investigation:

33 (1) The full name and occupation of every individual arrested
34 by the agency, the individual's physical description including date
35 of birth, color of eyes and hair, sex, height and weight, the time
36 and date of arrest, the time and date of booking, the location of
37 the arrest, the factual circumstances surrounding the arrest, the
38 amount of bail set, the time and manner of release or the location
39 where the individual is currently being held, and all charges the

1 individual is being held upon, including any outstanding warrants
2 from other jurisdictions and parole or probation holds.

3 (2) Subject to the restrictions imposed by Section 841.5 of the
4 Penal Code, the time, substance, and location of all complaints or
5 requests for assistance received by the agency and the time and
6 nature of the response thereto, including, to the extent the
7 information regarding crimes alleged or committed or any other
8 incident investigated is recorded, the time, date, and location of
9 occurrence, the time and date of the report, the name and age of
10 the victim, the factual circumstances surrounding the crime or
11 incident, and a general description of any injuries, property, or
12 weapons involved. The name of a victim of any crime defined by
13 Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a,
14 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285,
15 286, 288, 288a, 288.2, ~~288.3 (as added by Chapter 337 of the~~
16 ~~Statutes of 2006)~~, 288.3 (as added by Section 6 of Proposition 83
17 of the November 7, 2006, statewide general election), 288.3, 288.4,
18 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the
19 Penal Code may be withheld at the victim's request, or at the
20 request of the victim's parent or guardian if the victim is a minor.
21 When a person is the victim of more than one crime, information
22 disclosing that the person is a victim of a crime defined in any of
23 the sections of the Penal Code set forth in this subdivision may be
24 deleted at the request of the victim, or the victim's parent or
25 guardian if the victim is a minor, in making the report of the crime,
26 or of any crime or incident accompanying the crime, available to
27 the public in compliance with the requirements of this paragraph.

28 (3) Subject to the restrictions of Section 841.5 of the Penal Code
29 and this subdivision, the current address of every individual
30 arrested by the agency and the current address of the victim of a
31 crime, if the requester declares under penalty of perjury that the
32 request is made for a scholarly, journalistic, political, or
33 governmental purpose, or that the request is made for investigation
34 purposes by a licensed private investigator as described in Chapter
35 11.3 (commencing with Section 7512) of Division 3 of the Business
36 and Professions Code. However, the address of the victim of any
37 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,
38 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,
39 273d, 273.5, 285, 286, 288, 288a, 288.2, ~~288.3 (as added by~~
40 ~~Chapter 337 of the Statutes of 2006)~~, 288.3 (as added by Section

1 ~~6 of Proposition 83 of the November 7, 2006, statewide general~~
2 ~~election); 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75,~~
3 ~~646.9, or 647.6 of the Penal Code shall remain confidential.~~
4 Address information obtained pursuant to this paragraph shall not
5 be used directly or indirectly, or furnished to another, to sell a
6 product or service to any individual or group of individuals, and
7 the requester shall execute a declaration to that effect under penalty
8 of perjury. This paragraph shall not be construed to prohibit or
9 limit a scholarly, journalistic, political, or government use of
10 address information obtained pursuant to this paragraph.

11 (g) Test questions, scoring keys, and other examination data
12 used to administer a licensing examination, examination for
13 employment, or academic examination, except as provided for in
14 Chapter 3 (commencing with Section 99150) of Part 65 of Division
15 14 of Title 3 of the Education Code.

16 (h) The contents of real estate appraisals or engineering or
17 feasibility estimates and evaluations made for or by the state or
18 local agency relative to the acquisition of property, or to
19 prospective public supply and construction contracts, until all of
20 the property has been acquired or all of the contract agreement
21 obtained. However, the law of eminent domain shall not be affected
22 by this provision.

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

27 (j) Library circulation records kept for the purpose of identifying
28 the borrower of items available in libraries, and library and museum
29 materials made or acquired and presented solely for reference or
30 exhibition purposes. The exemption in this subdivision shall not
31 apply to records of fines imposed on the borrowers.

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

35 (l) Correspondence of and to the Governor or employees of the
36 Governor's office or in the custody of or maintained by the
37 Governor's Legal Affairs Secretary. However, public records shall
38 not be transferred to the custody of the Governor's Legal Affairs
39 Secretary to evade the disclosure provisions of this chapter.

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

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

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

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

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

1 theories, or strategy, or that provide instruction, advice, or training
2 to employees.

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

14 (3) Three years after a contract or amendment is open to
15 inspection under this subdivision, the portion of the contract or
16 amendment containing the rates of payment shall be open to
17 inspection.

18 (4) Notwithstanding any other law, the entire contract or
19 amendment shall be open to inspection by the Joint Legislative
20 Audit Committee and the Legislative Analyst's Office. The
21 committee and that office shall maintain the confidentiality of the
22 contracts and amendments until the time a contract or amendment
23 is fully open to inspection by the public.

24 (r) Records of Native American graves, cemeteries, and sacred
25 places and records of Native American places, features, and objects
26 described in Sections 5097.9 and 5097.993 of the Public Resources
27 Code maintained by, or in the possession of, the Native American
28 Heritage Commission, another state agency, or a local agency.

29 (s) A final accreditation report of the Joint Commission on
30 Accreditation of Hospitals that has been transmitted to the State
31 Department of Health Care Services pursuant to subdivision (b)
32 of Section 1282 of the Health and Safety Code.

33 (t) Records of a local hospital district, formed pursuant to
34 Division 23 (commencing with Section 32000) of the Health and
35 Safety Code, or the records of a municipal hospital, formed
36 pursuant to Article 7 (commencing with Section 37600) or Article
37 8 (commencing with Section 37650) of Chapter 5 of Part 2 of
38 Division 3 of Title 4 of this code, that relate to any contract with
39 an insurer or nonprofit hospital service plan for inpatient or
40 outpatient services for alternative rates pursuant to Section 10133

1 of the Insurance Code. However, the record shall be open to
2 inspection within one year after the contract is fully executed.

3 (u) (1) Information contained in applications for licenses to
4 carry firearms issued pursuant to Section 26150, 26155, 26170,
5 or 26215 of the Penal Code by the sheriff of a county or the chief
6 or other head of a municipal police department that indicates when
7 or where the applicant is vulnerable to attack or that concerns the
8 applicant's medical or psychological history or that of members
9 of his or her family.

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

16 (3) The home address and telephone number of prosecutors,
17 public defenders, peace officers, judges, court commissioners, and
18 magistrates that are set forth in licenses to carry firearms issued
19 pursuant to Section 26150, 26155, 26170, or 26215 of the Penal
20 Code by the sheriff of a county or the chief or other head of a
21 municipal police department.

22 (v) (1) Records of the Managed Risk Medical Insurance Board
23 and the State Department of Health Care Services related to
24 activities governed by ~~Part 6.3 (commencing with Section 12695),~~
25 ~~Part 6.5 (commencing with Section 12700);~~ Part 6.6 (commencing
26 with Section 12739.5), or Part 6.7 (commencing with Section
27 12739.70) of Division 2 of the Insurance Code, or Chapter 2
28 (commencing with Section 15810) or Chapter 4 (commencing with
29 Section 15870) of Part 3.3 of Division 9 of the Welfare and
30 Institutions Code, and that reveal any of the following:

31 (A) The deliberative processes, discussions, communications,
32 or any other portion of the negotiations with entities contracting
33 or seeking to contract with the board or the department, entities
34 with which the board or the department is considering a contract,
35 or entities with which the board or department is considering or
36 enters into any other arrangement under which the board or the
37 department provides, receives, or arranges services or
38 reimbursement.

39 (B) The impressions, opinions, recommendations, meeting
40 minutes, research, work product, theories, or strategy of the board

1 or its staff or the department or its staff, or records that provide
2 instructions, advice, or training to their employees.

3 (2) (A) Except for the portion of a contract that contains the
4 rates of payment, contracts entered into pursuant to ~~Part 6.3~~
5 ~~(commencing with Section 12695)~~, ~~Part 6.5 (commencing with~~
6 ~~Section 12700)~~, Part 6.6 (commencing with Section 12739.5), or
7 Part 6.7 (commencing with Section 12739.70) of Division 2 of the
8 Insurance Code, or Chapter 2 (commencing with Section 15810)
9 or Chapter 4 (commencing with Section 15870) of Part 3.3 of
10 Division 9 of the Welfare and Institutions Code, on or after July
11 1, 1991, shall be open to inspection one year after their effective
12 dates.

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

17 (3) Three years after a contract or amendment is open to
18 inspection pursuant to this subdivision, the portion of the contract
19 or amendment containing the rates of payment shall be open to
20 inspection.

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

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

36 (2) Except for the portion of a contract that contains the rates
37 of payment, contracts for health coverage entered into pursuant to
38 Chapter 8 (commencing with Section 10700) of Part 2 of Division
39 2 of the Insurance Code, on or after January 1, 1993, shall be open
40 to inspection one year after they have been fully executed.

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

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

14 (y) (1) Records of the Managed Risk Medical Insurance Board
15 and the State Department of Health Care Services related to
16 activities governed by Part 6.2 (commencing with Section 12693)
17 ~~or Part 6.4 (commencing with Section 12699.50)~~ of Division 2 of
18 the Insurance Code or Sections 14005.26 and 14005.27 of, or
19 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division
20 9 of, the Welfare and Institutions Code, if the records reveal any
21 of the following:

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

29 (B) The impressions, opinions, recommendations, meeting
30 minutes, research, work product, theories, or strategy of the board
31 or its staff, or the department or its staff, or records that provide
32 instructions, advice, or training to employees.

33 (2) (A) Except for the portion of a contract that contains the
34 rates of payment, contracts entered into pursuant to Part 6.2
35 (commencing with Section 12693) ~~or Part 6.4 (commencing with~~
36 ~~Section 12699.50)~~ of Division 2 of the Insurance Code, on or after
37 January 1, 1998, or Sections 14005.26 and 14005.27 of, or Chapter
38 3 (commencing with Section 15850) of Part 3.3 of Division 9 of,
39 the Welfare and Institutions Code shall be open to inspection one
40 year after their effective dates.

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

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

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

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

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

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

(ab) Critical infrastructure information, as defined in Section 131(3) of Title 6 of the United States Code, that is voluntarily submitted to the Office of Emergency Services for use by that office, including the identity of the person who or entity that voluntarily submitted the information. As used in this subdivision,

1 “voluntarily submitted” means submitted in the absence of the
2 office exercising any legal authority to compel access to or
3 submission of critical infrastructure information. This subdivision
4 shall not affect the status of information in the possession of any
5 other state or local governmental agency.

6 (ac) All information provided to the Secretary of State by a
7 person for the purpose of registration in the Advance Health Care
8 Directive Registry, except that those records shall be released at
9 the request of a health care provider, a public guardian, or the
10 registrant’s legal representative.

11 (ad) The following records of the State Compensation Insurance
12 Fund:

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

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

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

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

36 (5) (A) Records that are trade secrets pursuant to Section
37 6276.44, or Article 11 (commencing with Section 1060) of Chapter
38 4 of Division 8 of the Evidence Code, including without limitation,
39 instructions, advice, or training provided by the State Compensation
40 Insurance Fund to its board members, officers, and employees

1 regarding the fund's special investigation unit, internal audit unit,
2 and informational security, marketing, rating, pricing, underwriting,
3 claims handling, audits, and collections.

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

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

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

17 (ii) Papers, correspondence, memoranda, or any substantive
18 information pertaining to any audit not completed or an internal
19 audit that contains proprietary information.

20 (B) Notwithstanding subparagraph (A), the portions of records
21 containing proprietary information, or any information specified
22 in subparagraph (A) 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 (7) (A) Except as provided in subparagraph (C), contracts
27 entered into pursuant to Chapter 4 (commencing with Section
28 11770) of Part 3 of Division 2 of the Insurance Code shall be open
29 to inspection one year after the contract has been fully executed.

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

34 (C) 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 (D) 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 contract or amendments to a contract are open to inspection
3 pursuant to this paragraph.

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

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

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

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

17 *(ae) Any audio or video recording that depicts the death or*
18 *serious bodily injury of a peace officer.*

19 SEC. 2. The Legislature finds and declares that Section 1 of
20 this act, which amends Section 6254 of the Government Code,
21 imposes a limitation on the public’s right of access to the meetings
22 of public bodies or the writings of public officials and agencies
23 within the meaning of Section 3 of Article I of the California
24 Constitution. Pursuant to that constitutional provision, the
25 Legislature makes the following findings to demonstrate the interest
26 protected by this limitation and the need for protecting that interest:

27 In order to ensure the privacy of victims, witnesses, and other
28 persons involved in law enforcement complaints and investigations,
29 related audio or video recordings should not be disclosed.
30 Furthermore, to protect the public from graphic sounds and images
31 that may be contained in an audio or video recording depicting the
32 death or serious bodily injury of a peace officer, such a recording
33 should not be disclosed, thus it is necessary that this act take effect.

34 SEC. 3. The Legislature finds and declares that Section 1 of
35 this act, which amends Section 6254 of the Government Code,
36 furthers, within the meaning of paragraph (7) of subdivision (b)
37 of Section 3 of Article I of the California Constitution, the purposes
38 of that constitutional section as it relates to the right of public
39 access to the meetings of local public bodies or the writings of
40 local public officials and local agencies. Pursuant to paragraph (7)

1 of subdivision (b) of Section 3 of Article I of the California
2 Constitution, the Legislature makes the following findings:

3 Because the California Public Records Act balances access to
4 information with the legitimate need of law enforcement to
5 maintain confidential investigatory or security files, the act furthers
6 the purpose of Section 3 of Article I of the California Constitution.

7 SEC. 4. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district under this act would result from a legislative mandate that
11 is within the scope of paragraph (7) of subdivision (b) of Section
12 3 of Article I of the California Constitution.