

AMENDED IN ASSEMBLY APRIL 14, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 amended, 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: *officer killed in the line of duty, unless authorized to be released by the officer's immediate family, and specified visual or audio recordings that depict death or serious bodily injury in such a morbid and sensational manner that the content is highly offensive to a reasonable person and any public interest or law enforcement purpose for disclosure is clearly outweighed by the public interest in nondisclosure, except as specified.* The bill would also define terms for these purposes.~~

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:

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).

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

28 (4) Information received in confidence by any state agency
29 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) (1) 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 or video recordings, files~~ 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. *However, this subdivision does not require the disclosure of that portion of those investigative files that reflect the analysis or conclusions of the investigating officer.*

~~However,~~
(2) *Notwithstanding paragraph (1), state and local law enforcement agencies shall disclose the following:*

(A) *The names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle theft, or a crime as defined by subdivision (b) of Section 13951, unless the disclosure would endanger the safety or privacy of a witness, a victim, or any other person involved in the investigation, or unless disclosure would endanger the successful completion of the investigation or a related investigation.*

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

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

1 ~~Notwithstanding any other provision of this subdivision, state~~
2 ~~and local law enforcement agencies shall make public the following~~
3 ~~information, except~~

4 (B) *Except* to the extent that disclosure of a particular item of
5 information would endanger the safety ~~or privacy~~ of a person
6 involved in an investigation or would endanger the successful
7 completion of the investigation or a related investigation:

8 ~~(1)~~

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

18 ~~(2)~~

19 (ii) Subject to the restrictions imposed by Section 841.5 of the
20 Penal Code, the time, substance, and location of all complaints or
21 requests for assistance received by the agency and the time and
22 nature of the response thereto, including, to the extent the
23 information regarding crimes alleged or committed or any other
24 incident investigated is recorded, the time, date, and location of
25 occurrence, the time and date of the report, the name and age of
26 the victim, the factual circumstances surrounding the crime or
27 incident, and a general description of any injuries, property, or
28 weapons involved. The name of a victim of any crime defined by
29 Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a,
30 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285,
31 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6,
32 422.7, 422.75, 646.9, or 647.6 of the Penal Code may be withheld
33 at the victim's request, or at the request of the victim's parent or
34 guardian if the victim is a minor. When a person is the victim of
35 more than one crime, information disclosing that the person is a
36 victim of a crime defined in any of the sections of the Penal Code
37 set forth in this subdivision may be deleted at the request of the
38 victim, or the victim's parent or guardian if the victim is a minor,
39 in making the report of the crime, or of any crime or incident

1 accompanying the crime, available to the public in compliance
2 with the requirements of this ~~paragraph~~ *clause*.

3 ~~(3)~~

4 (iii) Subject to the restrictions of Section 841.5 of the Penal
5 Code and this subdivision, the current address of every individual
6 arrested by the agency and the current address of the victim of a
7 crime, if the requester declares under penalty of perjury that the
8 request is made for a scholarly, journalistic, political, or
9 governmental purpose, or that the request is made for investigation
10 purposes by a licensed private investigator as described in Chapter
11 11.3 (commencing with Section 7512) of Division 3 of the Business
12 and Professions Code. However, the address of the victim of any
13 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,
14 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,
15 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7,
16 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code shall
17 remain confidential. Address information obtained pursuant to this
18 paragraph shall not be used directly or indirectly, or furnished to
19 another, to sell a product or service to any individual or group of
20 individuals, and the requester shall execute a declaration to that
21 effect under penalty of perjury. This ~~paragraph~~ *clause* shall not be
22 construed to prohibit or limit a scholarly, journalistic, political, or
23 government use of address information obtained pursuant to this
24 ~~paragraph~~ *clause*.

25 (3) *Any visual or audio recording of another that depicts death*
26 *or serious bodily injury in such a morbid and sensational manner*
27 *that the content is highly offensive to a reasonable person and any*
28 *public interest or law enforcement purpose for disclosure is clearly*
29 *outweighed by the public interest in nondisclosure.*

30 (4) *Any visual or audio recording of the death of a peace officer*
31 *being killed in the line of duty, unless authorized to be released*
32 *by the officer's immediate family.*

33 (5) *Notwithstanding any other provision of this subdivision, the*
34 *state and local law enforcement agency shall disclose a copy of a*
35 *visual or audio recording if the portion of the recording that meets*
36 *the criteria of paragraph (3) or (4) can be redacted from the*
37 *recording.*

38 (6) *For purposes of this subdivision, the following definitions*
39 *shall apply:*

1 (A) “Records” include, but are not limited to, a visual recording
2 and a customer list provided to a state or local police agency by
3 an alarm or security company at the request of the agency.

4 (B) “Visual or audio recording” means any photography, film,
5 videotape, audio recording, or other visual or audio reproduction.

6 (g) Test questions, scoring keys, and other examination data
7 used to administer a licensing examination, examination for
8 employment, or academic examination, except as provided for in
9 Chapter 3 (commencing with Section 99150) of Part 65 of Division
10 14 of Title 3 of the Education Code.

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

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

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

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

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 (o) 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 6.6 (commencing with Section
19 12739.5), or Part 6.7 (commencing with Section 12739.70) of
20 Division 2 of the Insurance Code, or Chapter 2 (commencing with
21 Section 15810) or Chapter 4 (commencing with Section 15870)
22 of Part 3.3 of Division 9 of the Welfare and Institutions Code, and
23 that reveal any of the following:

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

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

36 (2) (A) Except for the portion of a contract that contains the
37 rates of payment, contracts entered into pursuant to Part 6.6
38 (commencing with Section 12739.5), or Part 6.7 (commencing
39 with Section 12739.70) of Division 2 of the Insurance Code, or
40 Chapter 2 (commencing with Section 15810) or Chapter 4

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

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

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

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

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

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

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

38 (x) Financial data contained in applications for registration, or
39 registration renewal, as a service contractor filed with the Director
40 of Consumer Affairs pursuant to Chapter 20 (commencing with

1 Section 9800) of Division 3 of the Business and Professions Code,
2 for the purpose of establishing the service contractor's net worth,
3 or financial data regarding the funded accounts held in escrow for
4 service contracts held in force in this state by a service contractor.

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

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

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

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

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

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

1 (4) 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 contract or amendments to a contract are open to inspection
6 pursuant to paragraph (2) or (3).

7 (5) The exemption from disclosure provided pursuant to this
8 subdivision for the contracts, deliberative processes, discussions,
9 communications, negotiations, impressions, opinions,
10 recommendations, meeting minutes, research, work product,
11 theories, or strategy of the board or its staff, or the department or
12 its staff, shall also apply to the contracts, deliberative processes,
13 discussions, communications, negotiations, impressions, opinions,
14 recommendations, meeting minutes, research, work product,
15 theories, or strategy of applicants pursuant to Chapter 3
16 (commencing with Section 15850) of Part 3.3 of Division 9 of the
17 Welfare and Institutions Code.

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

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

24 (ab) Critical infrastructure information, as defined in Section
25 131(3) of Title 6 of the United States Code, that is voluntarily
26 submitted to the Office of Emergency Services for use by that
27 office, including the identity of the person who or entity that
28 voluntarily submitted the information. As used in this subdivision,
29 "voluntarily submitted" means submitted in the absence of the
30 office exercising any legal authority to compel access to or
31 submission of critical infrastructure information. This subdivision
32 shall not affect the status of information in the possession of any
33 other state or local governmental agency.

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

39 (ad) The following records of the State Compensation Insurance
40 Fund:

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

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

8 (3) Records related to the impressions, opinions,
9 recommendations, meeting minutes of meetings or sessions that
10 are lawfully closed to the public, research, work product, theories,
11 or strategy of the fund or its staff, on the development of rates,
12 contracting strategy, underwriting, or competitive strategy pursuant
13 to the powers granted to the fund in Chapter 4 (commencing with
14 Section 11770) of Part 3 of Division 2 of the Insurance Code.

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

24 (5) (A) Records that are trade secrets pursuant to Section
25 6276.44, or Article 11 (commencing with Section 1060) of Chapter
26 4 of Division 8 of the Evidence Code, including without limitation,
27 instructions, advice, or training provided by the State Compensation
28 Insurance Fund to its board members, officers, and employees
29 regarding the fund's special investigation unit, internal audit unit,
30 and informational security, marketing, rating, pricing, underwriting,
31 claims handling, audits, and collections.

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

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

39 (i) Personal papers and correspondence of any person providing
40 assistance to the fund when that person has requested in writing

1 that his or her papers and correspondence be kept private and
2 confidential. Those papers and correspondence shall become public
3 records if the written request is withdrawn, or upon order of the
4 fund.

5 (ii) Papers, correspondence, memoranda, or any substantive
6 information pertaining to any audit not completed or an internal
7 audit that contains proprietary information.

8 (B) Notwithstanding subparagraph (A), the portions of records
9 containing proprietary information, or any information specified
10 in subparagraph (A) shall be available for review by the Joint
11 Legislative Audit Committee, the Bureau of State Audits, Division
12 of Workers' Compensation, and the Department of Insurance to
13 ensure compliance with applicable law.

14 (7) (A) Except as provided in subparagraph (C), contracts
15 entered into pursuant to Chapter 4 (commencing with Section
16 11770) of Part 3 of Division 2 of the Insurance Code shall be open
17 to inspection one year after the contract has been fully executed.

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

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

26 (D) Notwithstanding any other law, the entire contract or
27 amendments to a contract shall be open to inspection by the Joint
28 Legislative Audit Committee. The committee shall maintain the
29 confidentiality of the contracts and amendments thereto until the
30 contract or amendments to a contract are open to inspection
31 pursuant to this paragraph.

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

35 (F) For purposes of this paragraph, "fully executed" means the
36 point in time when all of the necessary parties to the contract have
37 signed the contract.

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

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

5 ~~(ae) Any audio or video recording that depicts the death or~~
6 ~~serious bodily injury of a peace officer.~~

7 SEC. 2. The Legislature finds and declares that Section 1 of
8 this act, which amends Section 6254 of the Government Code,
9 imposes a limitation on the public's right of access to the meetings
10 of public bodies or the writings of public officials and agencies
11 within the meaning of Section 3 of Article I of the California
12 Constitution. Pursuant to that constitutional provision, the
13 Legislature makes the following findings to demonstrate the interest
14 protected by this limitation and the need for protecting that interest:

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

22 SEC. 3. The Legislature finds and declares that Section 1 of
23 this act, which amends Section 6254 of the Government Code,
24 furthers, within the meaning of paragraph (7) of subdivision (b)
25 of Section 3 of Article I of the California Constitution, the purposes
26 of that constitutional section as it relates to the right of public
27 access to the meetings of local public bodies or the writings of
28 local public officials and local agencies. Pursuant to paragraph (7)
29 of subdivision (b) of Section 3 of Article I of the California
30 Constitution, the Legislature makes the following findings:

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

35 SEC. 4. No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 the only costs that may be incurred by a local agency or school
38 district under this act would result from a legislative mandate that

1 is within the scope of paragraph (7) of subdivision (b) of Section
2 3 of Article I of the California Constitution.

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