

AMENDED IN ASSEMBLY MAY 12, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1099**

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**Introduced by Assembly Member Shelley**

February 25, 1999

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An act to amend Section 6253 of, and to add Section 6253.1 to, the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1099, as amended, Shelley. Public records: computerized data.

The California Public Records Act requires every state or local agency to make public records open to inspection at all times during regular office hours and every person has a right to inspect any public record, except as specified. The act also requires each state or local agency to make promptly an exact copy of a public record available to any person upon payment of specified fees and requires that computer data be provided in a form determined by the agency.

This bill instead would require a state or local agency to provide computerized data in any form that is requested from among any of the forms used by the agency for the conduct of its business or for the making of copies for its own use or the use of any other agency. The bill, effective January 1, 2000, would provide that no state or local agency shall purchase, lease, create, or otherwise acquire any electronic data processing system for the storage, manipulation, or retrieval of public records unless ~~it first determines that~~ the system will

not impair ~~or impede~~ the agency's ability to permit the public inspection and examination of public records or provide electronic copies of the records.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6253 of the Government Code is  
2 amended to read:

3 6253. (a) Public records are open to inspection at all  
4 times during the office hours of the state or local agency  
5 and every person has a right to inspect any public record,  
6 except as hereafter provided. Any reasonably segregable  
7 portion of a record shall be available for inspection by any  
8 person requesting the record after deletion of the  
9 portions that are exempted by law.

10 (b) Except with respect to public records exempt  
11 from disclosure by express provisions of law, each state or  
12 local agency, upon a request for a copy of records that  
13 reasonably describes an identifiable record or records,  
14 shall make the records promptly available to any person,  
15 upon payment of fees covering direct costs of duplication,  
16 or a statutory fee, if applicable. Upon request, an exact  
17 copy shall be provided unless impracticable to do so. A  
18 copy of computerized data shall be provided in any form  
19 that is requested from among any of the forms used by the  
20 agency for the conduct of its business or for the making  
21 of copies for its own use or the use of any other agency.  
22 An agency shall not be required ~~to make copies of records~~  
23 ~~available in any form other than those used by the agency.~~  
24 *to make available copies of records in any form other than*  
25 *those already used by the agency for the requested*  
26 *records. Regardless of the form requested, a copy of any*  
27 *reasonable segregable portion of a record shall be*  
28 *available to any person requesting the copy after deletion*  
29 *of the portions that are exempted by law.*

30 (c) Each agency, upon a request for a copy of records  
31 shall, within 10 days from receipt of the request,  
32 determine whether the request, in whole or in part, seeks



1 copies of disclosable public records in the possession of  
2 the agency and shall promptly notify the person making  
3 the request of the determination and the reasons  
4 therefor. In unusual circumstances, the time limit  
5 prescribed in this section may be extended by written  
6 notice by the head of the agency or his or her designee to  
7 the person making the request setting forth the reasons  
8 for the extension and the date on which a determination  
9 is expected to be dispatched. No notice shall specify a date  
10 that would result in an extension for more than 14 days.  
11 As used in this section, "unusual circumstances" means,  
12 but only to the extent reasonably necessary to the proper  
13 processing of the particular request:

14 (1) The need to search for and collect the requested  
15 records from field facilities or other establishments that  
16 are separate from the office processing the request.

17 (2) The need to search for, collect, and appropriately  
18 examine a voluminous amount of separate and distinct  
19 records which are demanded in a single request.

20 (3) The need for consultation, which shall be  
21 conducted with all practicable speed, with another  
22 agency having substantial interest in the determination  
23 of the request or among two or more components of the  
24 agency having substantial subject matter interest therein.

25 (d) Nothing in this chapter shall be construed to  
26 permit an agency to obstruct the inspection or copying of  
27 public records. Any notification of denial of any request  
28 for records shall set forth the names and titles or positions  
29 of each person responsible for the denial.

30 (e) Except as otherwise prohibited by law, a state or  
31 local agency may adopt requirements for itself that allow  
32 for faster, more efficient, or greater access to records than  
33 prescribed by the minimum standards set forth in this  
34 chapter.

35 SEC. 2. Section 6253.1 is added to the Government  
36 Code, to read:

37 6253.1. After January 1, 2000, no state or local agency  
38 shall purchase, lease, create, or otherwise acquire any  
39 electronic data processing system for the storage,  
40 ~~manipulation, or retrieval of public records unless it first~~



1 ~~determines that the system will not impair or impede the~~  
2 ~~manipulation, or retrieval of public records unless the~~  
3 ~~system will not impair the~~ agency's ability to permit the  
4 public inspection and examination of public records or  
5 provide electronic copies of the records. Nothing in this  
6 section shall be construed to (a) require the retention by  
7 the agency of any obsolete electronic data processing  
8 system, computer hardware, or software, or (b) form, the  
9 basis of a protest to the award of a public contract.

