

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 272

Introduced by Senator Hertzberg
(Principal coauthor: Assembly Member Maienschein)

February 19, 2015

An act to add Section 6270.5 to the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

SB 272, as amended, Hertzberg. The California Public Records Act: local agencies: inventory.

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.~~

This bill would require each local agency, in implementing the California Public Records Act, ~~to conduct an inventory of data gathered by the agency that discloses what data is maintained by the agency, by whom, and with what frequency it is collected. The bill would require the inventory to be available to the public.~~ *create a catalog of enterprise systems, as defined, to make the catalog publicly available upon request in the office of the clerk of the agency's legislative body, and to post the catalog on the local agency's Internet Web site. The bill would require the catalog to disclose a list of the enterprise systems utilized*

by the agency, and, among other things, the current system vendor and product. Because the bill would require local agencies to perform additional duties, it would impose a state-mandated local program.

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 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. The Legislature finds and declares all of the
- 2 following following:
- 3 (a) New information technology has dramatically changed the
- 4 way people search for and expect to find information in California.
- 5 (b) This technology has unlocked great potential for government
- 6 to better serve the people it represents. A recent study estimated
- 7 that digitizing government data could generate one trillion dollars
- 8 in economic value worldwide through cost savings and improved
- 9 operational performance.
- 10 (c) California plays a vitally important role in moving our nation
- 11 forward in the world of technology. Just as the state's thriving tech
- 12 industry surges ahead in setting new standards for society, so too
- 13 must California.
- 14 (d) As several nations, states, and cities have begun to embrace
- 15 policies of online access to public sector data, they have enjoyed
- 16 the benefits of increased operational efficiency and better
- 17 collaboration. Here in California, cities across the state are turning
- 18 internally gathered and maintained data into usable information
- 19 for the public to access and leverage for the benefit of their
- 20 communities.

1 (e) In moving government to a more effective digital future,
2 standards should be adopted to ensure that data collection and
3 publication are standardized, including uniform definitions for
4 machine-readable data. Online portals should also be developed
5 to assist with public access to collected data.

6 (f) With a public sector committed to success in the digital age,
7 the residents and businesses of California will stand to benefit
8 from the greater collaboration and integration, improved
9 accountability, and increased productivity that will result.

10 (g) In making California government more accessible to the
11 people of the state, paragraph (7) of subdivision (b) of Section 3
12 of Article I of the California Constitution requires local
13 governments to comply with the California Public Records Act
14 and with any subsequent statutory enactment amending that act
15 and furthering that purpose.

16 SEC. 2. Section 6270.5 is added to the Government Code, to
17 read:

18 6270.5. (a) In implementing this chapter, each local agency
19 shall ~~conduct an inventory of data gathered by the agency. The~~
20 ~~inventory shall be made available to the public and shall disclose~~
21 ~~what data is maintained by the agency, by whom, and with what~~
22 ~~frequency it is collected.~~ *create a catalog of enterprise systems.*
23 *The catalog shall be made publicly available upon request in the*
24 *office of the clerk of the agency's legislative body. The catalog*
25 *shall be posted in a prominent location on the local agency's*
26 *Internet Web site, if the agency has an Internet Web site. The*
27 *catalog shall disclose a list of the enterprise systems utilized by*
28 *the agency and, for each system, shall also disclose all of the*
29 *following:*

30 (1) *Current system vendor.*

31 (2) *Current system product.*

32 (3) *A brief statement of the system's purpose.*

33 (4) *A general description of categories, modules, or layers of*
34 *data.*

35 (5) *The department that serves as the system's primary*
36 *custodian.*

37 (6) *How frequently system data is collected.*

38 (7) *How frequently system data is updated.*

39 (b) *This section shall not be interpreted to limit a person's right*
40 *to inspect public records pursuant to this chapter.*

1 (c) For purposes of this section:

2 (1) “Enterprise system” means a system that is both of the
3 following:

4 (A) A multidepartmental system or a system that contains
5 information collected about the public.

6 (B) A system of record.

7 (2) “System of record” means a system that serves as an original
8 source of data within an agency.

9 SEC. 3. The Legislature finds and declares that Section 2 of
10 this act, which adds Section 6270.5 to the Government Code,
11 furthers, within the meaning of paragraph (7) of subdivision (b)
12 of Section 3 of Article I of the California Constitution, the purposes
13 of that constitutional section as it relates to the right of public
14 access to the meetings of local public bodies or the writings of
15 local public officials and local agencies. Pursuant to paragraph (7)
16 of subdivision (b) of Section 3 of Article I of the California
17 Constitution, the Legislature makes the following findings:

18 Because increased information about what data is collected by
19 local agencies could be leveraged by the public to more efficiently
20 access and better use that information, ~~requiring every local agency~~
21 ~~to conduct an inventory of data gathered by the agency that would~~
22 ~~be made available to the public under the act furthers the purpose~~
23 of Section 3 of Article I of the California Constitution.

24 SEC. 4. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district under this act would result from a legislative mandate that
28 is within the scope of paragraph (7) of subdivision (b) of Section
29 3 of Article I of the California Constitution.