

BILL ANALYSIS

Analyst: Janet Jennings
Work Phone: 845-3495

Department, Board, Or Commission	Author	Bill Number
Franchise Tax Board	Conway	AB 2091

SUBJECT

Public Records/Exempts Public Agency Information Security Records From Disclosure

SUMMARY

This bill would exempt information security records of a state agency from the California Public Records Act (PRA).

PURPOSE OF BILL

The legislative findings in the bill state the purpose is to protect the integrity of public agency information systems.

EFFECTIVE/OPERATIVE DATE

This bill would become effective January 1, 2011, and operative as of that date.

ANALYSIS

STATE LAW

The PRA does the following:

- Requires state and local agencies to make their records available for public inspection and to make copies available upon request and payment of a fee, unless those records are exempt from disclosure.
- Exempts investigatory or security files compiled by a public agency, as defined, for correctional, law enforcement, or licensing purposes.

Section 3 of Article I of the California Constitution requires that a statute that limits the public's right of access to information concerning the public's business be adopted with findings that identify the interest sought to be protected and that demonstrate the need for protecting that interest.

THIS BILL

This bill would exempt the information security reports of a state agency from disclosure under the PRA if, based on the facts of the particular record, disclosure of that record would reveal vulnerabilities to or otherwise increase the potential for an attack on an information technology system of a public agency.

Brian Putler, FTB Contact Person (916) 845-6333 (Office)	Executive Officer Selvi Stanislaus	Date 08/10/10
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LEGISLATIVE HISTORY

AB 1682 (Torres, 2009/2010) would have authorized city and county governing bodies to authorize their sheriffs and police chiefs to establish a procedure to protect the confidential personal information of a victim or alleged victim of a crime. This bill failed to pass out of the Assembly Committee on Public Safety by the constitutional deadline.

AB 2220 (Silva, 2009/2010) designates regional centers as a local agency and requires them to be subject to the PRA. This bill is in the Assembly Appropriations Committee.

SB 330 (Yee, 2009/2010) and SB 218 (Yee, 2009/2010) would have redefined auxiliary organizations of the California State University, California Community Colleges, and the University of California as a "local agency" and a "state agency" under the PRA. SB 330, is in the Assembly Higher Education Committee, SB 218 was vetoed by the Governor on October 11, 2009. The veto message can be found in Appendix 1.

SB 359 (Romero, Stats. 2009, Ch. 584) updates the statute within the PRA that contains an alphabetical list of records exempt from disclosure. This law also requires that a standing committee of the Legislature introduce a bill at the beginning of each two-year session to update this alphabetical list of records exempt from disclosure under the PRA

FISCAL IMPACT

This bill would not impact the department's costs.

ECONOMIC IMPACT

This bill would not impact the state's income tax revenue or the Franchise Tax Board's administration of state income tax.

Appointments

None.

Support/Opposition

The Senate committee analysis reports the following in support and opposition:

Support:

Office of the State Chief Information Officer, California State Association of Counties, Desert Water Agency, East Valley Water District, El Dorado Irrigation District

Opposition:

None on file.

VOTES

Assembly Floor – Ayes: 76, Noes: 0

Senate Floor – Ayes: 34, Noes: 0

Concurrence – Ayes: 78, Noes: 0

LEGISLATIVE STAFF CONTACT

Janet Jennings

Franchise Tax Board

(916) 845-3495

janet.jennings@ftb.ca.gov

Brian Putler

Franchise Tax Board

(916) 845-6333

brian.putler@ftb.ca.gov

Appendix 1

BILL NUMBER: SB 218
VETOED DATE: 10/11/2009

To the Members of the California State Senate:

I am returning Senate Bill 219 without my signature.

I strongly support correcting the current problem with existing law concerning the availability of judicial review for employees of the University of California that file claims of retaliation against the University of California for violations of the Whistleblower Protection Act. Unfortunately, rather than extending the same protections as provided for California State University employees and other state employees to employees of the University of California, this measure, as drafted, could discourage employees of the University of California from exhausting their administrative remedies before filing claims in the superior court.

For this reason I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger