

Author: Lara Analyst: Janet Jennings Bill Number: SB 244
September 5 and 8,
Related Bills: See Prior Telephone: 845-3495 Amended Dates: 2017
Analysis Attorney: Bruce Langston Sponsor: _____

SUBJECT: State Agency Disclosure of Personal Information

SUMMARY

This bill would strengthen the state laws protecting personal information that is collected or obtained by state and local agencies.

RECOMMENDATION – NO POSITION

SUMMARY OF AMENDMENTS

The September 5, 2017, amendments removed changes to provisions of the Civil Code and Government Code, and added amendments to other code sections related to privacy. The September 8, 2017, amendments added double jointing language for pending legislation that does not affect the department. As a result of the amendments, the “This Bill,” and “Implementation Considerations,” sections have been revised, the “Fiscal Impact” and “Economic Impact” sections are restated for convenience.

REASON FOR THE BILL

The reason for the bill is to strike a balance between the public’s right to access information about the conduct of government agencies and the need to protect the personal information of individuals who participate in or receive services from government agencies.

EFFECTIVE/OPERATIVE DATE

This bill would become effective and operative January 1, 2018.

THIS BILL

This bill would specify that the federal employer identification number, individual taxpayer identification number, or social security number furnished pursuant to section 30 of the Business and Professions Code is not open to the public for inspection, is confidential, and would not be disclosed except as required to administer the licensing program, the requirements of section 30 of the Business and Professions Code, or as otherwise required by California law or a state or federal court order.

The bill would require a subpoena for individual records in a state criminal proceeding or a court order in order to obtain any document provided by an applicant to the Department of Motor Vehicles for the purposes of proving the applicant’s identity, true, full name, California residency, or the applicant’s presence in the United States is authorized under federal law.

IMPLEMENTATION CONSIDERATIONS

The department has identified the following implementation concern. Department staff is available to work with the author's office to resolve this and other concerns that may be identified.

The bill's language regarding the sharing of specified license information under the Business and Professions Code could be interpreted to apply only to mandated statutes (that state "shall") thus excluding permissive statutes (that state "may"). Under this interpretation, the department would be unable to comply with existing Revenue and Taxation Code sections that currently authorize data sharing agreements. For clarity and ease of administration it is recommended that the phrase "required by California law" be amended to read "required by or authorized under California law" where it appears in the bill.

FISCAL IMPACT

If the bill is amended to resolve the implementation considerations addressed in this analysis, the department's costs are expected to be minor.

ECONOMIC IMPACT

The Franchise Tax Board (FTB) administers various collections programs that rely on data sharing agreements between FTB and other state agencies. The department collects hundreds of millions of dollars annually from the various programs that benefit from data sharing agreements. This proposal may reduce the amount of information that other agencies share with FTB, which could reduce FTB's ability to identify and collect delinquent taxes. Because it is unclear which shared data sources would be affected and the interpretation of the language is uncertain, it cannot be determined how much revenue would be lost, but the revenue impact could be in the tens of millions of dollars annually.

SUPPORT/OPPOSITION

Support: None on file.

Opposition: None on file.

LEGISLATIVE STAFF CONTACT

Janet Jennings
Legislative Analyst, FTB
(916) 845-3495
janet.jennings@ftb.ca.gov

Jame Eiserman
Revenue Manager, FTB
(916) 845-7484
jame.eiserman@ftb.ca.gov

Diane Deatherage
Legislative Director, FTB
(916) 845-6333
diane.deatherage@ftb.ca.gov