



Summary Analysis of Amended Bill

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Sponsor:

Bill Number: AB 1184

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Amended: August 30, 2019

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Related Bills: See Prior Analysis

Subject: Public Records/Retention of Writing Transmitted by Electronic Mail

Summary

This bill would, under the Government Code (GC), modify the California Public Records Act (CPRA), as specified.

This analysis only addresses the provisions of the bill that impact the department's programs and operations.

Recommendation – No position.

Summary of Amendments

The August 30, 2019, amendments clarified that the bill's email retention requirements apply to public records, and made other clarifying changes.

As a result of the amendments, one "Implementation Consideration" identified in the department's analysis of the bill as amended March 25, 2019, April 24, 2019, and May 16, 2019, was resolved. Except for the "This Bill" and "Implementation Considerations" sections, the remainder of that analysis still applies. The "Effective/Operative Date," "Fiscal Impact," and "Economic Impact" sections have been restated below for convenience.

Effective/Operative Date

This bill would be effective on January 1, 2020, and operative as of that date.

This Bill

This bill, under the GC, would require a public agency, including the FTB, for the purposes of the CPRA, to retain and preserve for at least two years every public

record, as defined in the CPRA¹ transmitted by electronic mail, unless a longer retention period is required by statute or regulation, or established by the Secretary of State, pursuant to the State Records Management Act.

This bill would make express legislative findings and declarations that this act furthers the right of public access to the writings of local public officials and local agencies by requiring that public agencies preserve for at least two years every public record that is transmitted by electronic mail.

Implementation Considerations

Department staff has identified the following implementation considerations for purposes of a high-level discussion; additional concerns may be identified as the bill moves through the legislative process. Department staff is available to work with the author's office to resolve these and other concerns that may be identified.

This bill would require the department to substantially increase data retention beginning January 1, 2020, requiring the procurement and deployment of additional storage capacity and servers. It is unclear whether the department could implement this bill by the January 1, 2020, operative date considering state project and procurement rules and time required to install and deploy new hardware.

Fiscal Impact

Staff estimates a cost of approximately \$150,000 for 2020-2021 and \$38,000 for 2021-2022 for the acquisition of additional storage.

Economic Impact

Revenue Estimate

Estimated Revenue Impact of AB 1184 as amended August 30, 2019
Assumed Enactment after June 30, 2019.

This bill would not impact state income or franchise tax revenue.

This analysis does not account for changes in employment, personal income, or gross state product that could result from this bill or for the net final payment method of accrual.

¹ Government Code section 6252(e).

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