

AMENDED IN ASSEMBLY APRIL 4, 2019  
AMENDED IN ASSEMBLY MARCH 18, 2019  
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 700**

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**Introduced by Assembly Member Friedman**

February 19, 2019

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An act to amend Section 6254 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 700, as amended, Friedman. Public records: exceptions to disclosure: public postsecondary educational institutions: researchers.

The California Public Records Act requires a state or local agency, as defined, to make public records available for inspection, unless the record is exempt from disclosure.

This bill would exempt from disclosure specified information relating to a researcher or their research—~~at~~ *at, or in affiliation with*, a public postsecondary educational institution, including unpublished research methods, trade secrets, and correspondence. The bill would define ~~the term “researcher” and would also define~~ public postsecondary educational institution for these purposes to include the California Community Colleges, the California State University, the University of California, and any medical facility or laboratory affiliated with those public postsecondary educational institutions. To the extent the bill would impose additional duties on community college districts, the bill would impose a state-mandated local program.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public

officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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. ~~It is the~~ (a) *The Legislature finds and declares*  
2     *the following:*

3     (1) *The mission of the state's postsecondary public educational*  
4     *institutions is, in part, to lead cutting-edge research projects,*  
5     *including collaborative projects with private and public institutions*  
6     *around the world. There is significant public interest in protecting*  
7     *the ability of researchers at the state's colleges and universities*  
8     *to conduct research and communicate candidly about their*  
9     *research with one another and with colleagues in private colleges*  
10    *and universities in order to advance knowledge, innovate new*  
11    *technology, and provide crucial solutions to problems affecting*  
12    *California and its residents.*

13    (2) *Given that productive research requires the unconstrained*  
14    *exchange of ideas to generate new hypotheses and that the pursuit*  
15    *of knowledge through research is an exploratory, cumulative, and*  
16    *continuous endeavor that lacks clear distinctions between ongoing*  
17    *and completed research projects, the public has an interest in*  
18    *allowing postsecondary educational institutions and their*  
19    *researchers to conduct research on, and communicate about,*

1 *significant and publicly relevant topics that, in limited*  
2 *circumstances, outweighs the right of the public to access*  
3 *information of public postsecondary educational institutions.*

4 (b) *The intent of the Legislature in enacting this measure is to*  
5 *promote the ability of California's public universities and their*  
6 *faculty to conduct research on, and communicate about, significant*  
7 *and publicly relevant topics while also maintaining public access*  
8 *to university records.*

9 SEC. 2. Section 6254 of the Government Code is amended to  
10 read:

11 6254. Except as provided in Sections 6254.7 and 6254.13, this  
12 chapter does not require the disclosure of any of the following  
13 records:

14 (a) Preliminary drafts, notes, or interagency or intra-agency  
15 memoranda that are not retained by the public agency in the  
16 ordinary course of business, if the public interest in withholding  
17 those records clearly outweighs the public interest in disclosure.

18 (b) Records pertaining to pending litigation to which the public  
19 agency is a party, or to claims made pursuant to Division 3.6  
20 (commencing with Section 810), until the pending litigation or  
21 claim has been finally adjudicated or otherwise settled.

22 (c) Personnel, medical, or similar files, the disclosure of which  
23 would constitute an unwarranted invasion of personal privacy.

24 (d) Records contained in or related to any of the following:

25 (1) Applications filed with any state agency responsible for the  
26 regulation or supervision of the issuance of securities or of financial  
27 institutions, including, but not limited to, banks, savings and loan  
28 associations, industrial loan companies, credit unions, and  
29 insurance companies.

30 (2) Examination, operating, or condition reports prepared by,  
31 on behalf of, or for the use of, any state agency referred to in  
32 paragraph (1).

33 (3) Preliminary drafts, notes, or interagency or intra-agency  
34 communications prepared by, on behalf of, or for the use of, any  
35 state agency referred to in paragraph (1).

36 (4) Information received in confidence by any state agency  
37 referred to in paragraph (1).

38 (e) Geological and geophysical data, plant production data, and  
39 similar information relating to utility systems development, or

1 market or crop reports, that are obtained in confidence from any  
2 person.

3 (f) Records of complaints to, or investigations conducted by,  
4 or records of intelligence information or security procedures of,  
5 the office of the Attorney General and the Department of Justice,  
6 the Office of Emergency Services and any state or local police  
7 agency, or any investigatory or security files compiled by any other  
8 state or local police agency, or any investigatory or security files  
9 compiled by any other state or local agency for correctional, law  
10 enforcement, or licensing purposes. However, state and local law  
11 enforcement agencies shall disclose the names and addresses of  
12 persons involved in, or witnesses other than confidential informants  
13 to, the incident, the description of any property involved, the date,  
14 time, and location of the incident, all diagrams, statements of the  
15 parties involved in the incident, the statements of all witnesses,  
16 other than confidential informants, to the victims of an incident,  
17 or an authorized representative thereof, an insurance carrier against  
18 which a claim has been or might be made, and any person suffering  
19 bodily injury or property damage or loss, as the result of the  
20 incident caused by arson, burglary, fire, explosion, larceny,  
21 robbery, carjacking, vandalism, vehicle theft, or a crime as defined  
22 by subdivision (b) of Section 13951, unless the disclosure would  
23 endanger the safety of a witness or other person involved in the  
24 investigation, or unless disclosure would endanger the successful  
25 completion of the investigation or a related investigation. However,  
26 this subdivision does not require the disclosure of that portion of  
27 those investigative files that reflects the analysis or conclusions  
28 of the investigating officer.

29 Customer lists provided to a state or local police agency by an  
30 alarm or security company at the request of the agency shall be  
31 construed to be records subject to this subdivision.

32 Notwithstanding any other provision of this subdivision, state  
33 and local law enforcement agencies shall make public the following  
34 information, except to the extent that disclosure of a particular  
35 item of information would endanger the safety of a person involved  
36 in an investigation or would endanger the successful completion  
37 of the investigation or a related investigation:

38 (1) The full name and occupation of every individual arrested  
39 by the agency, the individual's physical description including date  
40 of birth, color of eyes and hair, sex, height and weight, the time

1 and date of arrest, the time and date of booking, the location of  
2 the arrest, the factual circumstances surrounding the arrest, the  
3 amount of bail set, the time and manner of release or the location  
4 where the individual is currently being held, and all charges the  
5 individual is being held upon, including any outstanding warrants  
6 from other jurisdictions and parole or probation holds.

7 (2) (A) Subject to the restrictions imposed by Section 841.5 of  
8 the Penal Code, the time, substance, and location of all complaints  
9 or requests for assistance received by the agency and the time and  
10 nature of the response thereto, including, to the extent the  
11 information regarding crimes alleged or committed or any other  
12 incident investigated is recorded, the time, date, and location of  
13 occurrence, the time and date of the report, the name and age of  
14 the victim, the factual circumstances surrounding the crime or  
15 incident, and a general description of any injuries, property, or  
16 weapons involved. The name of a victim of any crime defined by  
17 Section 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b,  
18 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286,  
19 287, 288, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7,  
20 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the  
21 victim's request, or at the request of the victim's parent or guardian  
22 if the victim is a minor. When a person is the victim of more than  
23 one crime, information disclosing that the person is a victim of a  
24 crime defined in any of the sections of the Penal Code set forth in  
25 this subdivision may be deleted at the request of the victim, or the  
26 victim's parent or guardian if the victim is a minor, in making the  
27 report of the crime, or of any crime or incident accompanying the  
28 crime, available to the public in compliance with the requirements  
29 of this paragraph.

30 (B) Subject to the restrictions imposed by Section 841.5 of the  
31 Penal Code, the names and images of a victim of human trafficking,  
32 as defined in Section 236.1 of the Penal Code, and of that victim's  
33 immediate family, other than a family member who is charged  
34 with a criminal offense arising from the same incident, may be  
35 withheld at the victim's request until the investigation or any  
36 subsequent prosecution is complete. For purposes of this  
37 subdivision, "immediate family" shall have the same meaning as  
38 that provided in paragraph (3) of subdivision (b) of Section 422.4  
39 of the Penal Code.

(3) Subject to the restrictions of Section 841.5 of the Penal Code and this subdivision, the current address of every individual arrested by the agency and the current address of the victim of a crime, if the requester declares under penalty of perjury that the request is made for a scholarly, journalistic, political, or governmental purpose, or that the request is made for investigation purposes by a licensed private investigator as described in Chapter 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions Code. However, the address of the victim of any crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 287, 288, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code shall remain confidential. Address information obtained pursuant to this paragraph shall not be used directly or indirectly, or furnished to another, to sell a product or service to any individual or group of individuals, and the requester shall execute a declaration to that effect under penalty of perjury. This paragraph shall not be construed to prohibit or limit a scholarly, journalistic, political, or government use of address information obtained pursuant to this paragraph.

(4) Notwithstanding any other provision of this subdivision, commencing July 1, 2019, a video or audio recording that relates to a critical incident, as defined in subparagraph (C), may be withheld only as follows:

(A) (i) During an active criminal or administrative investigation, disclosure of a recording related to a critical incident may be delayed for no longer than 45 calendar days after the date the agency knew or reasonably should have known about the incident, if, based on the facts and circumstances depicted in the recording, disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source. If an agency delays disclosure pursuant to this paragraph, the agency shall provide in writing to the requester the specific basis for the agency's determination that disclosure would substantially interfere with the investigation and the estimated date for disclosure.

(ii) After 45 days from the date the agency knew or reasonably should have known about the incident, and up to one year from that date, the agency may continue to delay disclosure of a

1 recording if the agency demonstrates that disclosure would  
2 substantially interfere with the investigation. After one year from  
3 the date the agency knew or reasonably should have known about  
4 the incident, the agency may continue to delay disclosure of a  
5 recording only if the agency demonstrates by clear and convincing  
6 evidence that disclosure would substantially interfere with the  
7 investigation. If an agency delays disclosure pursuant to this clause,  
8 the agency shall promptly provide in writing to the requester the  
9 specific basis for the agency's determination that the interest in  
10 preventing interference with an active investigation outweighs the  
11 public interest in disclosure and provide the estimated date for the  
12 disclosure. The agency shall reassess withholding and notify the  
13 requester every 30 days. A recording withheld by the agency shall  
14 be disclosed promptly when the specific basis for withholding is  
15 resolved.

16 (B) (i) If the agency demonstrates, on the facts of the particular  
17 case, that the public interest in withholding a video or audio  
18 recording clearly outweighs the public interest in disclosure  
19 because the release of the recording would, based on the facts and  
20 circumstances depicted in the recording, violate the reasonable  
21 expectation of privacy of a subject depicted in the recording, the  
22 agency shall provide in writing to the requester the specific basis  
23 for the expectation of privacy and the public interest served by  
24 withholding the recording and may use redaction technology,  
25 including blurring or distorting images or audio, to obscure those  
26 specific portions of the recording that protect that interest.  
27 However, the redaction shall not interfere with the viewer's ability  
28 to fully, completely, and accurately comprehend the events  
29 captured in the recording and the recording shall not otherwise be  
30 edited or altered.

31 (ii) Except as provided in clause (iii), if the agency demonstrates  
32 that the reasonable expectation of privacy of a subject depicted in  
33 the recording cannot adequately be protected through redaction as  
34 described in clause (i) and that interest outweighs the public interest  
35 in disclosure, the agency may withhold the recording from the  
36 public, except that the recording, either redacted as provided in  
37 clause (i) or unredacted, shall be disclosed promptly, upon request,  
38 to any of the following:

39 (I) The subject of the recording whose privacy is to be protected,  
40 or their authorized representative.

1 (II) If the subject is a minor, the parent or legal guardian of the  
2 subject whose privacy is to be protected.

3 (III) If the subject whose privacy is to be protected is deceased,  
4 an heir, beneficiary, designated immediate family member, or  
5 authorized legal representative of the deceased subject whose  
6 privacy is to be protected.

7 (iii) If disclosure pursuant to clause (ii) would substantially  
8 interfere with an active criminal or administrative investigation,  
9 the agency shall provide in writing to the requester the specific  
10 basis for the agency's determination that disclosure would  
11 substantially interfere with the investigation, and provide the video  
12 or audio recording. Thereafter, the recording may be withheld by  
13 the agency for 45 calendar days, subject to extensions as set forth  
14 in clause (ii) of subparagraph (A).

15 (C) For purposes of this paragraph, a video or audio recording  
16 relates to a critical incident if it depicts any of the following  
17 incidents:

18 (i) An incident involving the discharge of a firearm at a person  
19 by a peace officer or custodial officer.

20 (ii) An incident in which the use of force by a peace officer or  
21 custodial officer against a person resulted in death or in great bodily  
22 injury.

23 (D) An agency may provide greater public access to video or  
24 audio recordings than the minimum standards set forth in this  
25 paragraph.

26 (E) This paragraph does not alter, limit, or negate any other  
27 rights, remedies, or obligations with respect to public records  
28 regarding an incident other than a critical incident as described in  
29 subparagraph (C).

30 (F) For purposes of this paragraph, a peace officer does not  
31 include any peace officer employed by the Department of  
32 Corrections and Rehabilitation.

33 (g) Test questions, scoring keys, and other examination data  
34 used to administer a licensing examination, examination for  
35 employment, or academic examination, except as provided for in  
36 Chapter 3 (commencing with Section 99150) of Part 65 of Division  
37 14 of Title 3 of the Education Code.

38 (h) The contents of real estate appraisals or engineering or  
39 feasibility estimates and evaluations made for or by the state or  
40 local agency relative to the acquisition of property, or to

1 prospective public supply and construction contracts, until all of  
2 the property has been acquired or all of the contract agreement  
3 obtained. However, the law of eminent domain shall not be affected  
4 by this provision.

5 (i) Information required from any taxpayer in connection with  
6 the collection of local taxes that is received in confidence and the  
7 disclosure of the information to other persons would result in unfair  
8 competitive disadvantage to the person supplying the information.

9 (j) Library circulation records kept for the purpose of identifying  
10 the borrower of items available in libraries, and library and museum  
11 materials made or acquired and presented solely for reference or  
12 exhibition purposes. The exemption in this subdivision shall not  
13 apply to records of fines imposed on the borrowers.

14 (k) Records, the disclosure of which is exempted or prohibited  
15 pursuant to federal or state law, including, but not limited to,  
16 provisions of the Evidence Code relating to privilege.

17 (l) Correspondence of and to the Governor or employees of the  
18 Governor's office or in the custody of or maintained by the  
19 Governor's Legal Affairs Secretary. However, public records shall  
20 not be transferred to the custody of the Governor's Legal Affairs  
21 Secretary to evade the disclosure provisions of this chapter.

22 (m) In the custody of or maintained by the Legislative Counsel,  
23 except those records in the public database maintained by the  
24 Legislative Counsel that are described in Section 10248.

25 (n) Statements of personal worth or personal financial data  
26 required by a licensing agency and filed by an applicant with the  
27 licensing agency to establish the applicant's personal qualification  
28 for the license, certificate, or permit applied for.

29 (o) Financial data contained in applications for financing under  
30 Division 27 (commencing with Section 44500) of the Health and  
31 Safety Code, if an authorized officer of the California Pollution  
32 Control Financing Authority determines that disclosure of the  
33 financial data would be competitively injurious to the applicant  
34 and the data is required in order to obtain guarantees from the  
35 United States Small Business Administration. The California  
36 Pollution Control Financing Authority shall adopt rules for review  
37 of individual requests for confidentiality under this section and for  
38 making available to the public those portions of an application that  
39 are subject to disclosure under this chapter.

(p) (1) Records of state agencies related to activities governed by Chapter 10.3 (commencing with Section 3512), Chapter 10.5 (commencing with Section 3525), and Chapter 12 (commencing with Section 3560) of Division 4, that reveal a state agency's deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy, or that provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights under these chapters. This paragraph shall not be construed to limit the disclosure duties of a state agency with respect to any other records relating to the activities governed by the employee relations acts referred to in this paragraph.

(2) Records of local agencies related to activities governed by Chapter 10 (commencing with Section 3500) of Division 4, that reveal a local agency's deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy, or that provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights under that chapter. This paragraph shall not be construed to limit the disclosure duties of a local agency with respect to any other records relating to the activities governed by the employee relations act referred to in this paragraph.

(q) (1) Records of state agencies related to activities governed by Article 2.6 (commencing with Section 14081), Article 2.8 (commencing with Section 14087.5), and Article 2.91 (commencing with Section 14089) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, that reveal the special negotiator's deliberative processes, discussions, communications, or any other portion of the negotiations with providers of health care services, impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy, or that provide instruction, advice, or training to employees.

(2) Except for the portion of a contract containing the rates of payment, contracts for inpatient services entered into pursuant to these articles, on or after April 1, 1984, shall be open to inspection one year after they are fully executed. If a contract for inpatient services that is entered into prior to April 1, 1984, is amended on or after April 1, 1984, the amendment, except for any portion

1 containing the rates of payment, shall be open to inspection one  
2 year after it is fully executed. If the California Medical Assistance  
3 Commission enters into contracts with health care providers for  
4 other than inpatient hospital services, those contracts shall be open  
5 to inspection one year after they are fully executed.

6 (3) Three years after a contract or amendment is open to  
7 inspection under this subdivision, the portion of the contract or  
8 amendment containing the rates of payment shall be open to  
9 inspection.

10 (4) Notwithstanding any other law, the entire contract or  
11 amendment shall be open to inspection by the Joint Legislative  
12 Audit Committee and the Legislative Analyst's Office. The  
13 committee and that office shall maintain the confidentiality of the  
14 contracts and amendments until the time a contract or amendment  
15 is fully open to inspection by the public.

16 (r) Records of Native American graves, cemeteries, and sacred  
17 places and records of Native American places, features, and objects  
18 described in Sections 5097.9 and 5097.993 of the Public Resources  
19 Code maintained by, or in the possession of, the Native American  
20 Heritage Commission, another state agency, or a local agency.

21 (s) A final accreditation report of the Joint Commission on  
22 Accreditation of Hospitals that has been transmitted to the State  
23 Department of Health Care Services pursuant to subdivision (b)  
24 of Section 1282 of the Health and Safety Code.

25 (t) Records of a local hospital district, formed pursuant to  
26 Division 23 (commencing with Section 32000) of the Health and  
27 Safety Code, or the records of a municipal hospital, formed  
28 pursuant to Article 7 (commencing with Section 37600) or Article  
29 8 (commencing with Section 37650) of Chapter 5 of Part 2 of  
30 Division 3 of Title 4 of this code, that relate to any contract with  
31 an insurer or nonprofit hospital service plan for inpatient or  
32 outpatient services for alternative rates pursuant to Section 10133  
33 of the Insurance Code. However, the record shall be open to  
34 inspection within one year after the contract is fully executed.

35 (u) (1) Information contained in applications for licenses to  
36 carry firearms issued pursuant to Section 26150, 26155, 26170,  
37 or 26215 of the Penal Code by the sheriff of a county or the chief  
38 or other head of a municipal police department that indicates when  
39 or where the applicant is vulnerable to attack or that concerns the

1 applicant's medical or psychological history or that of members  
2 of the applicant's family.

3 (2) The home address and telephone number of prosecutors,  
4 public defenders, peace officers, judges, court commissioners, and  
5 magistrates that are set forth in applications for licenses to carry  
6 firearms issued pursuant to Section 26150, 26155, 26170, or 26215  
7 of the Penal Code by the sheriff of a county or the chief or other  
8 head of a municipal police department.

9 (3) The home address and telephone number of prosecutors,  
10 public defenders, peace officers, judges, court commissioners, and  
11 magistrates that are set forth in licenses to carry firearms issued  
12 pursuant to Section 26150, 26155, 26170, or 26215 of the Penal  
13 Code by the sheriff of a county or the chief or other head of a  
14 municipal police department.

15 (v) (1) Records of the Managed Risk Medical Insurance Board  
16 and the State Department of Health Care Services related to  
17 activities governed by former Part 6.3 (commencing with Section  
18 12695), former Part 6.5 (commencing with Section 12700), Part  
19 6.6 (commencing with Section 12739.5), or Part 6.7 (commencing  
20 with Section 12739.70) of Division 2 of the Insurance Code, or  
21 Chapter 2 (commencing with Section 15810) or Chapter 4  
22 (commencing with Section 15870) of Part 3.3 of Division 9 of the  
23 Welfare and Institutions Code, and that reveal any of the following:

24 (A) The deliberative processes, discussions, communications,  
25 or any other portion of the negotiations with entities contracting  
26 or seeking to contract with the board or the department, entities  
27 with which the board or the department is considering a contract,  
28 or entities with which the board or department is considering or  
29 enters into any other arrangement under which the board or the  
30 department provides, receives, or arranges services or  
31 reimbursement.

32 (B) The impressions, opinions, recommendations, meeting  
33 minutes, research, work product, theories, or strategy of the board  
34 or its staff or the department or its staff, or records that provide  
35 instructions, advice, or training to their employees.

36 (2) (A) Except for the portion of a contract that contains the  
37 rates of payment, contracts entered into pursuant to former Part  
38 6.3 (commencing with Section 12695), former Part 6.5  
39 (commencing with Section 12700), Part 6.6 (commencing with  
40 Section 12739.5), or Part 6.7 (commencing with Section 12739.70)

1 of Division 2 of the Insurance Code, or Chapter 2 (commencing  
2 with Section 15810) or Chapter 4 (commencing with Section  
3 15870) of Part 3.3 of Division 9 of the Welfare and Institutions  
4 Code, on or after July 1, 1991, shall be open to inspection one year  
5 after their effective dates.

6 (B) If a contract that is entered into prior to July 1, 1991, is  
7 amended on or after July 1, 1991, the amendment, except for any  
8 portion containing the rates of payment, shall be open to inspection  
9 one year after the effective date of the amendment.

10 (3) Three years after a contract or amendment is open to  
11 inspection pursuant to this subdivision, the portion of the contract  
12 or amendment containing the rates of payment shall be open to  
13 inspection.

14 (4) Notwithstanding any other law, the entire contract or  
15 amendments to a contract shall be open to inspection by the Joint  
16 Legislative Audit Committee. The committee shall maintain the  
17 confidentiality of the contracts and amendments thereto, until the  
18 contracts or amendments to the contracts are open to inspection  
19 pursuant to paragraph (3).

20 (w) (1) Records of the Managed Risk Medical Insurance Board  
21 related to activities governed by Chapter 8 (commencing with  
22 Section 10700) of Part 2 of Division 2 of the Insurance Code, and  
23 that reveal the deliberative processes, discussions, communications,  
24 or any other portion of the negotiations with health plans, or the  
25 impressions, opinions, recommendations, meeting minutes,  
26 research, work product, theories, or strategy of the board or its  
27 staff, or records that provide instructions, advice, or training to  
28 employees.

29 (2) Except for the portion of a contract that contains the rates  
30 of payment, contracts for health coverage entered into pursuant to  
31 Chapter 8 (commencing with Section 10700) of Part 2 of Division  
32 2 of the Insurance Code, on or after January 1, 1993, shall be open  
33 to inspection one year after they have been fully executed.

34 (3) Notwithstanding any other law, the entire contract or  
35 amendments to a contract shall be open to inspection by the Joint  
36 Legislative Audit Committee. The committee shall maintain the  
37 confidentiality of the contracts and amendments thereto, until the  
38 contracts or amendments to the contracts are open to inspection  
39 pursuant to paragraph (2).

(x) Financial data contained in applications for registration, or registration renewal, as a service contractor filed with the Director of Consumer Affairs pursuant to Chapter 20 (commencing with Section 9800) of Division 3 of the Business and Professions Code, for the purpose of establishing the service contractor's net worth, or financial data regarding the funded accounts held in escrow for service contracts held in force in this state by a service contractor.

(y) (1) Records of the Managed Risk Medical Insurance Board and the State Department of Health Care Services related to activities governed by Part 6.2 (commencing with Section 12693) or former Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code or Sections 14005.26 and 14005.27 of, or Chapter 3 (commencing with Section 15850) of Part 3.3 of Division 9 of, the Welfare and Institutions Code, if the records reveal any of the following:

(A) The deliberative processes, discussions, communications, or any other portion of the negotiations with entities contracting or seeking to contract with the board or the department, entities with which the board or department is considering a contract, or entities with which the board or department is considering or enters into any other arrangement under which the board or department provides, receives, or arranges services or reimbursement.

(B) The impressions, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the board or its staff, or the department or its staff, or records that provide instructions, advice, or training to employees.

(2) (A) Except for the portion of a contract that contains the rates of payment, contracts entered into pursuant to Part 6.2 (commencing with Section 12693) or former Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code, on or after January 1, 1998, or Sections 14005.26 and 14005.27 of, or Chapter 3 (commencing with Section 15850) of Part 3.3 of Division 9 of, the Welfare and Institutions Code shall be open to inspection one year after their effective dates.

(B) If a contract entered into pursuant to Part 6.2 (commencing with Section 12693) or former Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code or Sections 14005.26 and 14005.27 of, or Chapter 3 (commencing with Section 15850) of Part 3.3 of Division 9 of, the Welfare and Institutions

1 Code, is amended, the amendment shall be open to inspection one  
2 year after the effective date of the amendment.

3 (3) Three years after a contract or amendment is open to  
4 inspection pursuant to this subdivision, the portion of the contract  
5 or amendment containing the rates of payment shall be open to  
6 inspection.

7 (4) Notwithstanding any other law, the entire contract or  
8 amendments to a contract shall be open to inspection by the Joint  
9 Legislative Audit Committee. The committee shall maintain the  
10 confidentiality of the contracts and amendments thereto until the  
11 contract or amendments to a contract are open to inspection  
12 pursuant to paragraph (2) or (3).

13 (5) The exemption from disclosure provided pursuant to this  
14 subdivision for the contracts, deliberative processes, discussions,  
15 communications, negotiations, impressions, opinions,  
16 recommendations, meeting minutes, research, work product,  
17 theories, or strategy of the board or its staff, or the department or  
18 its staff, shall also apply to the contracts, deliberative processes,  
19 discussions, communications, negotiations, impressions, opinions,  
20 recommendations, meeting minutes, research, work product,  
21 theories, or strategy of applicants pursuant to Part 6.4 (commencing  
22 with Section 12699.50) of Division 2 of the Insurance Code or  
23 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division  
24 9 of the Welfare and Institutions Code.

25 (z) Records obtained pursuant to paragraph (2) of subdivision  
26 (f) of Section 2891.1 of the Public Utilities Code.

27 (aa) A document prepared by or for a state or local agency that  
28 assesses its vulnerability to terrorist attack or other criminal acts  
29 intended to disrupt the public agency's operations and that is for  
30 distribution or consideration in a closed session.

31 (ab) Critical infrastructure information, as defined in Section  
32 671 of Title 6 of the United States Code, that is voluntarily  
33 submitted to the Office of Emergency Services for use by that  
34 office, including the identity of the person who or entity that  
35 voluntarily submitted the information. As used in this subdivision,  
36 "voluntarily submitted" means submitted in the absence of the  
37 office exercising any legal authority to compel access to or  
38 submission of critical infrastructure information. This subdivision  
39 shall not affect the status of information in the possession of any  
40 other state or local governmental agency.

1 (ac) All information provided to the Secretary of State by a  
2 person for the purpose of registration in the Advance Health Care  
3 Directive Registry, except that those records shall be released at  
4 the request of a health care provider, a public guardian, or the  
5 registrant's legal representative.

6 (ad) The following records of the State Compensation Insurance  
7 Fund:

8 (1) Records related to claims pursuant to Chapter 1  
9 (commencing with Section 3200) of Part 1 of Division 4 of the  
10 Labor Code, to the extent that confidential medical information  
11 or other individually identifiable information would be disclosed.

12 (2) Records related to the discussions, communications, or any  
13 other portion of the negotiations with entities contracting or seeking  
14 to contract with the fund, and any related deliberations.

15 (3) Records related to the impressions, opinions,  
16 recommendations, meeting minutes of meetings or sessions that  
17 are lawfully closed to the public, research, work product, theories,  
18 or strategy of the fund or its staff, on the development of rates,  
19 contracting strategy, underwriting, or competitive strategy pursuant  
20 to the powers granted to the fund in Chapter 4 (commencing with  
21 Section 11770) of Part 3 of Division 2 of the Insurance Code.

22 (4) Records obtained to provide workers' compensation  
23 insurance under Chapter 4 (commencing with Section 11770) of  
24 Part 3 of Division 2 of the Insurance Code, including, but not  
25 limited to, any medical claims information, policyholder  
26 information provided that nothing in this paragraph shall be  
27 interpreted to prevent an insurance agent or broker from obtaining  
28 proprietary information or other information authorized by law to  
29 be obtained by the agent or broker, and information on rates,  
30 pricing, and claims handling received from brokers.

31 (5) (A) Records that are trade secrets pursuant to Section  
32 6276.44, or Article 11 (commencing with Section 1060) of Chapter  
33 4 of Division 8 of the Evidence Code, including, without limitation,  
34 instructions, advice, or training provided by the State Compensation  
35 Insurance Fund to its board members, officers, and employees  
36 regarding the fund's special investigation unit, internal audit unit,  
37 and informational security, marketing, rating, pricing, underwriting,  
38 claims handling, audits, and collections.

39 (B) Notwithstanding subparagraph (A), the portions of records  
40 containing trade secrets shall be available for review by the Joint

1 Legislative Audit Committee, California State Auditor's Office,  
2 Division of Workers' Compensation, and the Department of  
3 Insurance to ensure compliance with applicable law.

4 (6) (A) Internal audits containing proprietary information and  
5 the following records that are related to an internal audit:

6 (i) Personal papers and correspondence of any person providing  
7 assistance to the fund when that person has requested in writing  
8 that the person's papers and correspondence be kept private and  
9 confidential. Those papers and correspondence shall become public  
10 records if the written request is withdrawn, or upon order of the  
11 fund.

12 (ii) Papers, correspondence, memoranda, or any substantive  
13 information pertaining to any audit not completed or an internal  
14 audit that contains proprietary information.

15 (B) Notwithstanding subparagraph (A), the portions of records  
16 containing proprietary information, or any information specified  
17 in subparagraph (A) shall be available for review by the Joint  
18 Legislative Audit Committee, California State Auditor's Office,  
19 Division of Workers' Compensation, and the Department of  
20 Insurance to ensure compliance with applicable law.

21 (7) (A) Except as provided in subparagraph (C), contracts  
22 entered into pursuant to Chapter 4 (commencing with Section  
23 11770) of Part 3 of Division 2 of the Insurance Code shall be open  
24 to inspection one year after the contract has been fully executed.

25 (B) If a contract entered into pursuant to Chapter 4 (commencing  
26 with Section 11770) of Part 3 of Division 2 of the Insurance Code  
27 is amended, the amendment shall be open to inspection one year  
28 after the amendment has been fully executed.

29 (C) Three years after a contract or amendment is open to  
30 inspection pursuant to this subdivision, the portion of the contract  
31 or amendment containing the rates of payment shall be open to  
32 inspection.

33 (D) Notwithstanding any other law, the entire contract or  
34 amendments to a contract shall be open to inspection by the Joint  
35 Legislative Audit Committee. The committee shall maintain the  
36 confidentiality of the contracts and amendments thereto until the  
37 contract or amendments to a contract are open to inspection  
38 pursuant to this paragraph.

(E) This paragraph is not intended to apply to documents related to contracts with public entities that are not otherwise expressly confidential as to that public entity.

(F) For purposes of this paragraph, “fully executed” means the point in time when all of the necessary parties to the contract have signed the contract.

~~(ae) (1) Information relating to a researcher or their research at a public postsecondary educational institution, including, but not limited to, any of the following:~~

*(ae) (1) The following information that is in the possession of a public postsecondary educational institution relating to a researcher or their research at or in affiliation with that public postsecondary educational institution:*

*(A) Records regarding preliminary research that would expose the thought process or preliminary findings of the researcher in a manner that would interfere with their research, including, but not limited to, the following:*

~~(A)~~

*(i) Research methods that have not been published.*

~~(B)~~

*(ii) Preliminary drafts of documents intended for publication.*

~~(C)~~

*(iii) Unpublished data.*

~~(D)~~

*(iv) Unfunded grant applications.*

~~(E)~~

*(v) Correspondence, including, but not limited to, electronic correspondence, from professional peers relating to research, whether or not provided through a formal peer review process or and whether or not relevant publication has occurred.*

~~(F) Trade secrets.~~

*(B) Records that constitute trade secrets pursuant to Section 6276.44 or Article 11 (commencing with Section 1060) of Chapter 4 of Division 8 of the Evidence Code, including, but not limited to, any information protected by patent, trademark, copyright, license, or any other effort that is reasonable under the circumstance to maintain its secrecy.*

*(C) Information that would compromise the privacy of research subjects, including, but not limited to, the following:*

~~(G)~~

1 (i) Information that identifies or permits identification of human  
2 research subjects.

3 ~~(H)~~

4 (ii) Interview and ethnographic observation notes, interview  
5 transcripts, audio or video recordings, and photographs.

6 ~~(I) Calendars and appointment logs.~~

7 (2) *The following records in the possession of a public*  
8 *postsecondary educational institution relating to a researcher or*  
9 *their research at or in affiliation with the public postsecondary*  
10 *educational institution are not exempt from disclosure pursuant*  
11 *to paragraph (1) and shall be considered public unless disclosure*  
12 *of the record is exempt or prohibited pursuant to another state or*  
13 *federal law:*

14 (A) *Information about the identity of any funder, and the amount*  
15 *of any funding, of past or ongoing research.*

16 (B) *Communication between a funder and a researcher or any*  
17 *personnel of the public postsecondary educational institution*  
18 *relating to the researcher's current or past research funded by*  
19 *that funder or relationship between the funder and the educational*  
20 *institution.*

21 (C) *Records pertaining to institutional audits of compliance*  
22 *with standards of practice.*

23 (D) *Records pertaining to disciplinary action taken against the*  
24 *researcher relating to their research.*

25 ~~(2)~~

26 (3) Limited sharing of information in paragraph (1) for  
27 professionally relevant purposes, including, but not limited to,  
28 research collaboration or peer review, shall not constitute a waiver  
29 of the exemption in this subdivision pursuant to Section 6254.5.

30 ~~(3)~~

31 (4) The enumeration of categorical exemptions for research  
32 records identified in this subdivision does not affect a researcher's  
33 ability to assert, on a case-by-case basis, that additional records in  
34 the researcher's possession are exempt from disclosure pursuant  
35 to subdivision (a) of Section 6255.

36 ~~(4)~~

37 (5) For purposes of this subdivision, the following definitions  
38 apply:

1 (A) “Data” means any information collected in the course of  
2 research for the purpose of testing hypotheses and inferring  
3 conclusions.

4 ~~(A)~~

5 (B) “Public postsecondary educational institution” means any  
6 of the following:

7 (i) The California Community Colleges, and each campus,  
8 branch, and functions thereof.

9 (ii) The California State University and each campus, branch,  
10 and function thereof.

11 (iii) The University of California and each campus, branch, and  
12 function thereof.

13 (iv) Each laboratory or medical facility affiliated with an  
14 educational institution listed in paragraphs (1) to (3), inclusive,  
15 including, but not limited to, a federal facility operated by the  
16 educational institution.

17 ~~(B)~~

18 (C) “Researcher” means any person who engages in research  
19 at, or under contract or in affiliation with, a public postsecondary  
20 educational institution.

21 (af) This section does not prevent any agency from opening its  
22 records concerning the administration of the agency to public  
23 inspection, unless disclosure is otherwise prohibited by law.

24 (ag) This section does not prevent any health facility from  
25 disclosing to a certified bargaining agent relevant financing  
26 information pursuant to Section 8 of the National Labor Relations  
27 Act (29 U.S.C. Sec. 158).

28 SEC. 3. The Legislature finds and declares that Section ~~3~~ 2 of  
29 this act, which amends Section 6254 of the Government Code,  
30 imposes a limitation on the public’s right of access to the meetings  
31 of public bodies or the writings of public officials and agencies  
32 within the meaning of Section 3 of Article I of the California  
33 Constitution. Pursuant to that constitutional provision, the  
34 Legislature makes the following findings to demonstrate the interest  
35 protected by this limitation and the need for protecting that interest:

36 In order to protect the ability of public postsecondary educational  
37 institution faculty to conduct and communicate candidly about  
38 research, it is necessary to limit the public’s right of access.

39 SEC. 4. The Legislature finds and declares that Section ~~3~~ 2 of  
40 this act, which amends Section 6254 of the Government Code,

1 furthers, within the meaning of paragraph (7) of subdivision (b)  
2 of Section 3 of Article I of the California Constitution, the purposes  
3 of that constitutional section as it relates to the right of public  
4 access to the meetings of local public bodies or the writings of  
5 local public officials and local agencies. Pursuant to paragraph (7)  
6 of subdivision (b) of Section 3 of Article I of the California  
7 Constitution, the Legislature makes the following findings:

8 The act balances the right of the public to access information of  
9 public postsecondary educational institutions and the interest of  
10 public postsecondary educational institutions and their faculty to  
11 conduct research on, and communicate about, significant and  
12 publicly relevant topics, thereby furthering the purposes of  
13 paragraph (7) of subdivision (b) of Section 3 of Article I of the  
14 California Constitution.

15 SEC. 5. No reimbursement is required by this act pursuant to  
16 Section 6 of Article XIII B of the California Constitution because  
17 the only costs that may be incurred by a local agency or school  
18 district under this act would result from a legislative mandate that  
19 is within the scope of paragraph (7) of subdivision (b) of Section  
20 3 of Article I of the California Constitution.