

AMENDED IN ASSEMBLY APRIL 9, 2013  
AMENDED IN ASSEMBLY MARCH 21, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1195**

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**Introduced by Assembly Member Eggman**  
**(Principal coauthor: Assembly Member Garcia)**  
**(Coauthors: Assembly Members ~~Bonilla and Rendon~~ Alejo, Bonilla,**  
**Rendon, and Skinner)**  
**(Coauthor: ~~Senator~~ Coauthors: Senators De León and Lara)**

February 22, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1195, as amended, Eggman. Public records: crime victims.

The California Public Records Act requires state and local agencies to make public records available for inspection, subject to certain ~~conditions~~ *exceptions*. The act specifically requires state and local law enforcement agencies to disclose certain information regarding an incident to a victim, or the victim's authorized representative, unless certain conditions exist.

This bill would prohibit a state or local law enforcement agency from requiring a victim of an incident, or the victim's authorized representative, to show proof of the victim's legal presence in this country ~~in order~~ to obtain the information required to be disclosed by that law enforcement agency, as specified. For identification purposes, the bill would ~~authorize~~ *require* a state or local law enforcement agency, *if it requires identification*, to accept ~~various~~ *certain* forms of

identification ~~in order~~ for a victim of an incident, or the victim’s authorized representative, to obtain that information.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 6254 of the Government Code is amended
- 2 to read:
- 3 6254. Except as provided in Sections 6254.7 and 6254.13,
- 4 nothing in this chapter shall be construed to require disclosure of
- 5 records that are any of the following:
- 6 (a) Preliminary drafts, notes, or interagency or intra-agency
- 7 memoranda that are not retained by the public agency in the
- 8 ordinary course of business, if the public interest in withholding
- 9 those records clearly outweighs the public interest in disclosure.
- 10 (b) Records pertaining to pending litigation to which the public
- 11 agency is a party, or to claims made pursuant to Division 3.6
- 12 (commencing with Section 810), until the pending litigation or
- 13 claim has been finally adjudicated or otherwise settled.
- 14 (c) Personnel, medical, or similar files, the disclosure of which
- 15 would constitute an unwarranted invasion of personal privacy.
- 16 (d) Contained in or related to any of the following:
- 17 (1) Applications filed with any state agency responsible for the
- 18 regulation or supervision of the issuance of securities or of financial
- 19 institutions, including, but not limited to, banks, savings and loan
- 20 associations, industrial loan companies, credit unions, and
- 21 insurance companies.
- 22 (2) Examination, operating, or condition reports prepared by,
- 23 on behalf of, or for the use of, any state agency referred to in
- 24 paragraph (1).
- 25 (3) Preliminary drafts, notes, or interagency or intra-agency
- 26 communications prepared by, on behalf of, or for the use of, any
- 27 state agency referred to in paragraph (1).
- 28 (4) Information received in confidence by any state agency
- 29 referred to in paragraph (1).
- 30 (e) Geological and geophysical data, plant production data, and
- 31 similar information relating to utility systems development, or
- 32 market or crop reports, that are obtained in confidence from any
- 33 person.

1 (f) Records of complaints to, or investigations conducted by,  
2 or records of intelligence information or security procedures of,  
3 the office of the Attorney General and the Department of Justice,  
4 the Office of Emergency Services, and any state or local police  
5 agency, or any investigatory or security files compiled by any other  
6 state or local police agency, or any investigatory or security files  
7 compiled by any other state or local agency for correctional, law  
8 enforcement, or licensing purposes. However, state and local law  
9 enforcement agencies shall disclose the names and addresses of  
10 persons involved in, or witnesses other than confidential informants  
11 to, the incident, the description of any property involved, the date,  
12 time, and location of the incident, all diagrams, statements of the  
13 parties involved in the incident, the statements of all witnesses,  
14 other than confidential informants, to the victims of an incident,  
15 or an authorized representative thereof, an insurance carrier against  
16 which a claim has been or might be made, and any person suffering  
17 bodily injury or property damage or loss, as the result of the  
18 incident caused by arson, burglary, fire, explosion, larceny,  
19 robbery, carjacking, vandalism, vehicle theft, or a crime as defined  
20 by subdivision (b) of Section 13951, unless the disclosure would  
21 endanger the safety of a witness or other person involved in the  
22 investigation, or unless disclosure would endanger the successful  
23 completion of the investigation or a related investigation. However,  
24 nothing in this division shall require the disclosure of that portion  
25 of those investigative files that reflects the analysis or conclusions  
26 of the investigating officer. A state or local law enforcement agency  
27 shall not require a victim of an incident, or an authorized  
28 representative thereof, to show proof of the victim's legal presence  
29 in the United States in order to obtain the information required to  
30 be disclosed by that law enforcement agency pursuant to this  
31 subdivision. However, if, for identification purposes, a state or  
32 local law enforcement agency requires identification in order for  
33 a victim of an incident, or an authorized representative thereof, to  
34 obtain that information, the agency ~~may accept the following forms~~  
35 ~~of identification, including, but not limited to, a valid California~~  
36 ~~driver's license or state identification card, a valid passport issued~~  
37 ~~by the United States or by a foreign government with whom the~~  
38 ~~United States has a diplomatic relationship, or a shall, at a~~  
39 ~~minimum, accept a current driver's license or identification card~~  
40 ~~issued by any state in the United States, a current passport issued~~

1 *by the United States or a foreign government with which the United*  
2 *States has a diplomatic relationship, or a current* Matricula  
3 Consular card.

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

7 Notwithstanding any other provision of this subdivision, state  
8 and local law enforcement agencies shall make public the following  
9 information, except to the extent that disclosure of a particular  
10 item of information would endanger the safety of a person involved  
11 in an investigation or would endanger the successful completion  
12 of the investigation or a related investigation:

13 (1) The full name and occupation of every individual arrested  
14 by the agency, the individual's physical description including date  
15 of birth, color of eyes and hair, sex, height and weight, the time  
16 and date of arrest, the time and date of booking, the location of  
17 the arrest, the factual circumstances surrounding the arrest, the  
18 amount of bail set, the time and manner of release or the location  
19 where the individual is currently being held, and all charges the  
20 individual is being held upon, including any outstanding warrants  
21 from other jurisdictions and parole or probation holds.

22 (2) Subject to the restrictions imposed by Section 841.5 of the  
23 Penal Code, the time, substance, and location of all complaints or  
24 requests for assistance received by the agency and the time and  
25 nature of the response thereto, including, to the extent the  
26 information regarding crimes alleged or committed or any other  
27 incident investigated is recorded, the time, date, and location of  
28 occurrence, the time and date of the report, the name and age of  
29 the victim, the factual circumstances surrounding the crime or  
30 incident, and a general description of any injuries, property, or  
31 weapons involved. The name of a victim of any crime defined by  
32 Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a,  
33 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285,  
34 286, 288, 288a, 288.2, 288.3 (as added by Chapter 337 of the  
35 Statutes of 2006), 288.3 (as added by Section 6 of Proposition 83  
36 of the November 7, 2006, statewide general election), 288.5, 288.7,  
37 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may  
38 be withheld at the victim's request, or at the request of the victim's  
39 parent or guardian if the victim is a minor. When a person is the  
40 victim of more than one crime, information disclosing that the

1 person is a victim of a crime defined in any of the sections of the  
2 Penal Code set forth in this subdivision may be deleted at the  
3 request of the victim, or the victim's parent or guardian if the  
4 victim is a minor, in making the report of the crime, or of any  
5 crime or incident accompanying the crime, available to the public  
6 in compliance with the requirements of this paragraph.

7 (3) Subject to the restrictions of Section 841.5 of the Penal Code  
8 and this subdivision, the current address of every individual  
9 arrested by the agency and the current address of the victim of a  
10 crime, where the requester declares under penalty of perjury that  
11 the request is made for a scholarly, journalistic, political, or  
12 governmental purpose, or that the request is made for investigation  
13 purposes by a licensed private investigator as described in Chapter  
14 11.3 (commencing with Section 7512) of Division 3 of the Business  
15 and Professions Code. However, the address of the victim of any  
16 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,  
17 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,  
18 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by  
19 Chapter 337 of the Statutes of 2006), 288.3 (as added by Section  
20 6 of Proposition 83 of the November 7, 2006, statewide general  
21 election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6  
22 of the Penal Code shall remain confidential. Address information  
23 obtained pursuant to this paragraph may not be used directly or  
24 indirectly, or furnished to another, to sell a product or service to  
25 any individual or group of individuals, and the requester shall  
26 execute a declaration to that effect under penalty of perjury.  
27 Nothing in this paragraph shall be construed to prohibit or limit a  
28 scholarly, journalistic, political, or government use of address  
29 information obtained pursuant to this paragraph.

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

35 (h) The contents of real estate appraisals or engineering or  
36 feasibility estimates and evaluations made for or by the state or  
37 local agency relative to the acquisition of property, or to  
38 prospective public supply and construction contracts, until all of  
39 the property has been acquired or all of the contract agreement

1 obtained. However, the law of eminent domain shall not be affected  
2 by this provision.

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

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

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

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

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

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

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

38 (p) Records of state agencies related to activities governed by  
39 Chapter 10.3 (commencing with Section 3512), Chapter 10.5  
40 (commencing with Section 3525), and Chapter 12 (commencing

1 with Section 3560) of Division 4, that reveal a state agency's  
2 deliberative processes, impressions, evaluations, opinions,  
3 recommendations, meeting minutes, research, work products,  
4 theories, or strategy, or that provide instruction, advice, or training  
5 to employees who do not have full collective bargaining and  
6 representation rights under these chapters. Nothing in this  
7 subdivision shall be construed to limit the disclosure duties of a  
8 state agency with respect to any other records relating to the  
9 activities governed by the employee relations acts referred to in  
10 this subdivision.

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

22 (2) Except for the portion of a contract containing the rates of  
23 payment, contracts for inpatient services entered into pursuant to  
24 these articles, on or after April 1, 1984, shall be open to inspection  
25 one year after they are fully executed. If a contract for inpatient  
26 services that is entered into prior to April 1, 1984, is amended on  
27 or after April 1, 1984, the amendment, except for any portion  
28 containing the rates of payment, shall be open to inspection one  
29 year after it is fully executed. If the California Medical Assistance  
30 Commission enters into contracts with health care providers for  
31 other than inpatient hospital services, those contracts shall be open  
32 to inspection one year after they are fully executed.

33 (3) Three years after a contract or amendment is open to  
34 inspection under this subdivision, the portion of the contract or  
35 amendment containing the rates of payment shall be open to  
36 inspection.

37 (4) Notwithstanding any other law, the entire contract or  
38 amendment shall be open to inspection by the Joint Legislative  
39 Audit Committee and the Legislative Analyst's Office. The  
40 committee and that office shall maintain the confidentiality of the

1 contracts and amendments until the time a contract or amendment  
2 is fully open to inspection by the public.

3 (r) Records of Native American graves, cemeteries, and sacred  
4 places and records of Native American places, features, and objects  
5 described in Sections 5097.9 and 5097.993 of the Public Resources  
6 Code maintained by, or in the possession of, the Native American  
7 Heritage Commission, another state agency, or a local agency.

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

12 (t) Records of a local hospital district, formed pursuant to  
13 Division 23 (commencing with Section 32000) of the Health and  
14 Safety Code, or the records of a municipal hospital, formed  
15 pursuant to Article 7 (commencing with Section 37600) or Article  
16 8 (commencing with Section 37650) of Chapter 5 of Part 2 of  
17 Division 3 of Title 4 of this code, that relate to any contract with  
18 an insurer or nonprofit hospital service plan for inpatient or  
19 outpatient services for alternative rates pursuant to Section 10133  
20 of the Insurance Code. However, the record shall be open to  
21 inspection within one year after the contract is fully executed.

22 (u) (1) Information contained in applications for licenses to  
23 carry firearms issued pursuant to Section 26150, 26155, 26170,  
24 or 26215 of the Penal Code by the sheriff of a county or the chief  
25 or other head of a municipal police department that indicates when  
26 or where the applicant is vulnerable to attack or that concerns the  
27 applicant's medical or psychological history or that of members  
28 of his or her family.

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

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



1 (v) (1) Records of the Managed Risk Medical Insurance Board  
2 related to activities governed by Part 6.3 (commencing with Section  
3 12695), Part 6.5 (commencing with Section 12700), Part 6.6  
4 (commencing with Section 12739.5), and Part 6.7 (commencing  
5 with Section 12739.70) of Division 2 of the Insurance Code, and  
6 that reveal any of the following:

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

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

17 (2) (A) Except for the portion of a contract that contains the  
18 rates of payment, contracts entered into pursuant to Part 6.3  
19 (commencing with Section 12695), Part 6.5 (commencing with  
20 Section 12700), Part 6.6 (commencing with Section 12739.5), or  
21 Part 6.7 (commencing with Section 12739.70) of Division 2 of the  
22 Insurance Code, on or after July 1, 1991, shall be open to inspection  
23 one year after their effective dates.

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

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

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

38 (w) (1) Records of the Managed Risk Medical Insurance Board  
39 related to activities governed by Chapter 8 (commencing with  
40 Section 10700) of Part 2 of Division 2 of the Insurance Code, and

1 that reveal the deliberative processes, discussions, communications,  
2 or any other portion of the negotiations with health plans, or the  
3 impressions, opinions, recommendations, meeting minutes,  
4 research, work product, theories, or strategy of the board or its  
5 staff, or records that provide instructions, advice, or training to  
6 employees.

7 (2) Except for the portion of a contract that contains the rates  
8 of payment, contracts for health coverage entered into pursuant to  
9 Chapter 8 (commencing with Section 10700) of Part 2 of Division  
10 2 of the Insurance Code, on or after January 1, 1993, shall be open  
11 to inspection one year after they have been fully executed.

12 (3) Notwithstanding any other law, the entire contract or  
13 amendments to a contract shall be open to inspection by the Joint  
14 Legislative Audit Committee. The committee shall maintain the  
15 confidentiality of the contracts and amendments thereto, until the  
16 contracts or amendments to the contracts are open to inspection  
17 pursuant to paragraph (2).

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

25 (y) (1) Records of the Managed Risk Medical Insurance Board  
26 related to activities governed by Part 6.2 (commencing with Section  
27 12693) or Part 6.4 (commencing with Section 12699.50) of  
28 Division 2 of the Insurance Code, and that reveal any of the  
29 following:

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

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

1 (2) (A) Except for the portion of a contract that contains the  
2 rates of payment, contracts entered into pursuant to Part 6.2  
3 (commencing with Section 12693) or Part 6.4 (commencing with  
4 Section 12699.50) of Division 2 of the Insurance Code, on or after  
5 January 1, 1998, shall be open to inspection one year after their  
6 effective dates.

7 (B) If a contract entered into pursuant to Part 6.2 (commencing  
8 with Section 12693) or Part 6.4 (commencing with Section  
9 12699.50) of Division 2 of the Insurance Code is amended, the  
10 amendment shall be open to inspection one year after the effective  
11 date of the amendment.

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

16 (4) Notwithstanding any other law, the entire contract or  
17 amendments to a contract shall be open to inspection by the Joint  
18 Legislative Audit Committee. The committee shall maintain the  
19 confidentiality of the contracts and amendments thereto until the  
20 contract or amendments to a contract are open to inspection  
21 pursuant to paragraph (2) or (3).

22 (5) The exemption from disclosure provided pursuant to this  
23 subdivision for the contracts, deliberative processes, discussions,  
24 communications, negotiations, impressions, opinions,  
25 recommendations, meeting minutes, research, work product,  
26 theories, or strategy of the board or its staff shall also apply to the  
27 contracts, deliberative processes, discussions, communications,  
28 negotiations, impressions, opinions, recommendations, meeting  
29 minutes, research, work product, theories, or strategy of applicants  
30 pursuant to Part 6.4 (commencing with Section 12699.50) of  
31 Division 2 of the Insurance Code.

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

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

38 (ab) Critical infrastructure information, as defined in Section  
39 131(3) of Title 6 of the United States Code, that is voluntarily  
40 submitted to the Office of Emergency Services for use by that

1 office, including the identity of the person who or entity that  
2 voluntarily submitted the information. As used in this subdivision,  
3 “voluntarily submitted” means submitted in the absence of the  
4 office exercising any legal authority to compel access to or  
5 submission of critical infrastructure information. This subdivision  
6 shall not affect the status of information in the possession of any  
7 other state or local governmental agency.

8 (ac) All information provided to the Secretary of State by a  
9 person for the purpose of registration in the Advance Health Care  
10 Directive Registry, except that those records shall be released at  
11 the request of a health care provider, a public guardian, or the  
12 registrant’s legal representative.

13 (ad) The following records of the State Compensation Insurance  
14 Fund:

15 (1) Records related to claims pursuant to Chapter 1  
16 (commencing with Section 3200) of Division 4 of the Labor Code,  
17 to the extent that confidential medical information or other  
18 individually identifiable information would be disclosed.

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

22 (3) Records related to the impressions, opinions,  
23 recommendations, meeting minutes of meetings or sessions that  
24 are lawfully closed to the public, research, work product, theories,  
25 or strategy of the fund or its staff, on the development of rates,  
26 contracting strategy, underwriting, or competitive strategy pursuant  
27 to the powers granted to the fund in Chapter 4 (commencing with  
28 Section 11770) of Part 3 of Division 2 of the Insurance Code.

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

38 (5) (A) Records that are trade secrets pursuant to Section  
39 6276.44, or Article 11 (commencing with Section 1060) of Chapter  
40 4 of Division 8 of the Evidence Code, including without limitation,

1 instructions, advice, or training provided by the State Compensation  
2 Insurance Fund to its board members, officers, and employees  
3 regarding the fund's special investigation unit, internal audit unit,  
4 and informational security, marketing, rating, pricing, underwriting,  
5 claims handling, audits, and collections.

6 (B) Notwithstanding subparagraph (A), the portions of records  
7 containing trade secrets shall be available for review by the Joint  
8 Legislative Audit Committee, the Bureau of State Audits, Division  
9 of Workers' Compensation, and the Department of Insurance to  
10 ensure compliance with applicable law.

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

13 (i) Personal papers and correspondence of any person providing  
14 assistance to the fund when that person has requested in writing  
15 that his or her papers and correspondence be kept private and  
16 confidential. Those papers and correspondence shall become public  
17 records if the written request is withdrawn, or upon order of the  
18 fund.

19 (ii) Papers, correspondence, memoranda, or any substantive  
20 information pertaining to any audit not completed or an internal  
21 audit that contains proprietary information.

22 (B) Notwithstanding subparagraph (A), the portions of records  
23 containing proprietary information, or any information specified  
24 in subparagraph (A) shall be available for review by the Joint  
25 Legislative Audit Committee, the Bureau of State Audits, Division  
26 of Workers' Compensation, and the Department of Insurance to  
27 ensure compliance with applicable law.

28 (7) (A) Except as provided in subparagraph (C), contracts  
29 entered into pursuant to Chapter 4 (commencing with Section  
30 11770) of Part 3 of Division 2 of the Insurance Code shall be open  
31 to inspection one year after the contract has been fully executed.

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

36 (C) Three years after a contract or amendment is open to  
37 inspection pursuant to this subdivision, the portion of the contract  
38 or amendment containing the rates of payment shall be open to  
39 inspection.

1 (D) Notwithstanding any other law, the entire contract or  
2 amendments to a contract shall be open to inspection by the Joint  
3 Legislative Audit Committee. The committee shall maintain the  
4 confidentiality of the contracts and amendments thereto until the  
5 contract or amendments to a contract are open to inspection  
6 pursuant to this paragraph.

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

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

13 This section shall not prevent any agency from opening its  
14 records concerning the administration of the agency to public  
15 inspection, unless disclosure is otherwise prohibited by law.

16 This section shall not prevent any health facility from disclosing  
17 to a certified bargaining agent relevant financing information  
18 pursuant to Section 8 of the National Labor Relations Act (29  
19 U.S.C. Sec. 158).