

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 06/21/2012  
POSITION: Oppose

BILL NUMBER: SB 1002  
AUTHOR: Yee, Leland

**BILL SUMMARY: Public Records: Electronic Format.**

This bill would amend the California Public Records Act (CPRA) regarding the transfer of electronic data from public agencies to requesting entities. This bill would require that when electronic data or documents are required by law to be available to the public and the agency has the means to retain the electronic data or documents in an "open format", the agency shall do so. The bill would also require agencies posting electronic data or documents to do so in an "open format" if the agency has the resources. An "open format" is defined as one that allows for electronic data or documents to be downloaded, searched, sorted, indexed, or processed using publicly accessible software.

**FISCAL SUMMARY**

This bill may result in increased ongoing costs to state and local agencies, including a reimbursable state mandate. The extent of these costs are unknown but likely absorbable for state agencies. There is also the potential for future cost pressure on state and local agencies to transition to hardware, software, and services that enable the creation and retention of electronic data and documents in an open format.

The California Constitution requires the state to reimburse local entities for increased costs associated with any new program or higher level of service imposed by the state on local entities if the California State Mandates Commission determines that the new program or higher level of service is reimbursable and a state mandate.

**SUMMARY OF CHANGES**

Amendments to this bill since our analysis of the April 9, 2012 version include the following significant amendment which does not change our position:

- Deletes the prohibition on charging for data extraction when the records are exempt from disclosure under the CPRA.
- The April 9, 2012 version created the California Open Data Standard (CODS). Although the CODS was deleted in the current version, the content which addressed "open format" was retained elsewhere in the bill.

Other amendments were minor.

Analyst/Principal (0822) S.Davis-James	Date	Program Budget Manager Diana Ducay	Date
Department Deputy Director		Date	
Governor's Office:	By:	Date:	Position Approved _____ Position Disapproved _____
BILL ANALYSIS			Form DF-43 (Rev 03/95 Buff)

AUTHOR

AMENDMENT DATE

BILL NUMBER

Yee, Leland

06/21/2012

SB 1002

**COMMENTS**

The Department of Finance is opposed to this bill because it may result in additional costs to state and local agencies, including a reimbursable state mandate. Also, there is the potential for significant future cost pressure on state and local agencies to purchase hardware and software in order to comply with the intent of this bill, to the extent they do not currently have such capabilities. This assessment is consistent with the analysis by the Assembly Committee on Local Government, which additionally questioned whether the issue should be studied further by the Legislative Analyst's Office or other research entity.

The California State University System estimates ongoing cost of \$32,000 to \$108,000 annually and a one-time cost of \$180,000 for hardware and software as a result of cost pressure to move to open format.

According to the analysis by the Assembly Committee on Local Government, this bill is opposed by the California Association of Clerks and Elections Officials, California Peace Officers Association, California Special Districts Association, California State Association of Counties, California State Sheriff's Association, Chief Probation Officers of California, Regional Council of Rural Counties, Urban Counties Caucus, and League of California Cities. The bill is supported by the American Federation of State, County and Municipal Employees; California Council of the Blind; California Faculty Association; California Teachers Association; Californians Aware; Common Cause; San Francisco Public Utilities Commission; United Auto Workers Local 5810; and United Reporting Crime Beat News.

Also, according to the Assembly analysis, the California State Association of Counties states that many documents are reproduced as a scanned PDF so that a local agency may safely share the information with the public without fear of the document being manipulated by outside parties. We note that if these documents were shared in an "open format" it would be easier for an outside party to manipulate the content.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)						Fund Code
	LA	(Dollars in Thousands)						
	CO	PROP						
	RV	98	FC	2012-2013	FC	2013-2014	FC	2014-2015
8885/Comm St Mndt	SO	No		----	See Fiscal Summary	----		0001
9990/Var Depts	SO	No		----	See Fiscal Summary	----		0001