

AMENDED IN ASSEMBLY APRIL 6, 2015
AMENDED IN ASSEMBLY MARCH 26, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 169

Introduced by Assembly Member Maienschein

January 22, 2015

An act to add Section ~~6253.7~~ 6253.10 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 169, as amended, Maienschein. Local government: public records: Internet.

(1) The California Public Records Act requires a state or local agency, as defined, to make public records available for inspection, subject to certain exceptions. The act requires any agency that has any information that constitutes a public record not exempt from disclosure in an electronic format to make that public record available in an electronic format when requested by a person, and requires the agency to, among other things, make the information available in any electronic format in which the information is held.

This bill would require a local agency, except a school district, that ~~chooses to post~~ *voluntarily posts* a public record *that is described as "open"* on its Internet Web site to post the public record in a format that meets specified requirements, including, among others, that the format is able to be retrieved, downloaded, indexed, and searched by a commonly used Internet search application.

(2) 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.

(3) 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. Section ~~6253.7~~ 6253.10 is added to the
2 Government Code, ~~immediately following Section 6253.6,~~ to
3 read:

4 ~~6253.7.~~

5 6253.10. A local agency, except a school district, that
6 voluntarily posts a public record that is described as “open” on
7 its Internet Web site shall post the public record in an open-file
8 format that meets all of the following requirements:

9 (a) Retrievable, downloadable, indexable, and ~~electrically~~
10 electronically searchable by commonly used Internet search
11 applications.

12 (b) Platform independent and machine readable.

13 (c) Available to the public free of charge and without any
14 restriction that would impede the reuse or redistribution of the
15 public record.

16 (d) Retains the data definitions and structure present when the
17 data was compiled, if applicable.

18 SEC. 2. The Legislature finds and declares that Section 1 of
19 this act, which adds Section ~~6253.7~~ 6253.10 to the Government
20 Code, furthers, within the meaning of paragraph (7) of subdivision
21 (b) of Section 3 of Article I of the California Constitution, the
22 purposes of that constitutional section as it relates to the right of
23 public access to the meetings of local public bodies or the writings
24 ~~of~~ of local public officials and local agencies. Pursuant to
25 paragraph (7) of subdivision (b) of Section 3 of Article I of the

1 California Constitution, the Legislature makes the following
2 findings:

3 Because California’s local agencies are increasingly releasing
4 information in an open format, because open format is not defined
5 in current law, and because data released by local agencies in an
6 open format should be as uniform and usable as possible, requiring
7 local agencies to follow standardized requirements when they elect
8 to release information in an open format furthers the purpose of
9 Section 3 of Article I of the California Constitution.

10 SEC. 3. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that ~~my~~ *may* be incurred by a local agency or school
13 district under this act would result from a legislative mandate that
14 is within the scope of paragraph (7) of subdivision (b) of Section
15 3 of Article I of the California Constitution.”