

AMENDED IN SENATE JUNE 18, 2015

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
(Coauthors: Assembly Members Chávez, Hadley, and Olsen)
(Coauthors: Senators Bates, Glazer, Hertzberg, and Runner)

January 22, 2015

An act to add Section 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 voluntarily posts a public record that is described as "open" on its Internet Web site. This bill, if a local agency, except a school district, maintains an Internet Resource, including, but not limited to an Internet Web site, Internet Web page, or Internet Web portal, which the local~~

agency describes or titles as “open data,” and the local agency voluntarily posts a public record on that Internet Resource, would require the local agency to post the public record in a an open 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 6253.10 is added to the Government
2 Code, to read:

3 6253.10. ~~A~~ ~~If a local agency, except a school district, that~~
4 ~~maintains an Internet Resource, including, but not limited to, an~~
5 ~~Internet Web site, Internet Web page, or Internet Web portal, which~~
6 ~~the local agency describes or titles as “open data,” and the local~~
7 ~~agency voluntarily posts a public record that is described as “open”~~
8 ~~on its that Internet Web site Resource, the local agency shall post~~
9 the public record in an open format that meets all of the following
10 requirements:

11 (a) Retrievable, downloadable, indexable, and electronically
12 searchable by commonly used Internet search applications.

13 (b) Platform independent and machine readable.

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

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

3 SEC. 2. The Legislature finds and declares that Section 1 of
4 this act, which adds Section 6253.10 to the Government Code,
5 furthers, within the meaning of paragraph (7) of subdivision (b)
6 of Section 3 of Article I of the California Constitution, the purposes
7 of that constitutional section as it relates to the right of public
8 access to the meetings of local public bodies or the writings of
9 local public officials and local agencies. Pursuant to paragraph (7)
10 of subdivision (b) of Section 3 of Article I of the California
11 Constitution, the Legislature makes the following findings:

12 Because California’s local agencies are increasingly releasing
13 information in an open format, because open format is not defined
14 in current law, and because data released by local agencies in an
15 open format should be as uniform and usable as possible, requiring
16 local agencies to follow standardized requirements when they elect
17 to release information in an open format furthers the purpose of
18 Section 3 of Article I of the California Constitution.

19 SEC. 3. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district under this act would result from a legislative mandate that
23 is within the scope of paragraph (7) of subdivision (b) of Section
24 3 of Article I of the California Constitution.”