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AB-169 Local government: public records: Internet. (2015-2016)

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Assembly Bill No. 169

CHAPTER 737

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

[Approved by Governor October 10, 2015. Filed with Secretary of State October 10, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 169, 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, 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 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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 6253.10 is added to the Government Code, to read:

6253.10. 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, the local agency shall post the public record in an open format that meets all of the following requirements:

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

(b) Platform independent and machine readable.

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

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

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

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

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