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AB-302 Data brokers: elected officials and judges. (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 302

Introduced by Assembly Member Bauer-Kahan

January 23, 2025

An act to add ~~Title 23 (commencing with Section 3273.75) to Part 4 of Division 3 of~~ [Section 1798.99.86.5](#) to the Civil Code, relating to personal information.

LEGISLATIVE COUNSEL'S DIGEST

AB 302, as amended, Bauer-Kahan. ~~Protected individuals.~~ [Data brokers: elected officials and judges.](#)

The California Consumer Privacy Act of 2018 (CCPA) grants a consumer various rights with respect to personal information, as defined, that is collected or sold by a business, as defined, including the right to request that a business delete any personal information about the consumer that the business has collected from the consumer. The California Privacy Rights Act of 2020, approved by the voters as Proposition 24 at the November 3, 2020, statewide general election, amended, added to, and reenacted the CCPA and establishes the California Privacy Protection Agency (agency) and vests the agency with full administrative power, authority, and jurisdiction to enforce the CCPA.

~~The Information Practices Act of 1977 regulates the use of personal information by certain state agencies, including by requiring a state agency to maintain in its records only personal information that is relevant and necessary to accomplish a purpose of the agency required or authorized by the California Constitution or statute or mandated by the federal government.~~

~~This bill would authorize a protected individual, or the agency on behalf of a protected individual, to request a business, as defined, to refrain from selling the protected individual's personal information, as defined, or to delete the protected individual's personal information, as specified. The bill would also authorize a protected individual, or the protected individual's authorized representative, to request a governmental entity, defined, in part, to mean a local agency, to refrain from publishing the protected~~

~~individual's personal information or to remove the protected individual's personal information from any existing publication, as prescribed. Upon receipt of the request, the bill would require a governmental entity to take prescribed action, including taking steps reasonably necessary to ensure that the personal information is not published. By imposing additional duties on local agencies, the bill would impose a state-mandated local program. The bill would authorize a protected individual and certain public attorneys, including the Attorney General, to punish noncompliance with those provisions with a certain civil action.~~

Existing law requires the agency to establish an accessible deletion mechanism that, among other things, allows a consumer to request the deletion of all personal information related to that consumer through a single deletion request. Existing law requires, beginning August 1, 2026, a data broker to access the accessible deletion mechanism at least once every 45 days and, within 45 days after receiving a request, process all deletion requests and delete all personal information related to the consumers making the requests, as prescribed. Existing law requires a data broker to delete all personal information of the consumer at least once every 45 days unless the consumer requests otherwise, as prescribed. Existing law defines "data broker" to mean a business, as defined, that knowingly collects and sells to third parties the personal information of a consumer with whom the business does not have a direct relationship, except as provided.

~~This bill would require the agency to obtain a list of all state and local elected officials that includes their contact information and officials, would require the Judicial Council to provide the agency with a list of all California judges that includes their contact information, judges, and would require the agency to allow elected officials or a judges to remove their information from those lists, as prescribed. The bill would require the lists to be kept confidential, as specified. The bill would also require the agency to upload the lists to the accessible deletion mechanism described above and, beginning August 1, 2026, require an entity receiving a notification that a deletion is required to do so within 5 days.~~

~~This bill would also prohibit a business from knowingly selling the personal information of a protected individual if the business knows, or reasonably should know, that selling the personal information poses an imminent and serious threat to the protected individual and certain harms result from the selling of the personal information. The bill would make a person who violates this provision liable for a civil penalty, as specified. authorize an elected official or judge who is on a list described above, the Attorney General, a county counsel, or a city attorney to bring an action for a violation of the bill, as prescribed.~~

~~This bill would define various terms for its purposes, including by defining "protected individual" to mean a current or former representative elected in the state, as determined by the Secretary of State, an appointed officer of a court or a magistrate in the state, or a spouse, a child, or a dependent who resides in the same household as those individuals.~~

~~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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: ~~yes~~no

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

SECTION 1. Section 1798.99.86.5 is added to the Civil Code, to read:

1798.99.86.5. (a) (1) On or before March 1, 2026, the California Privacy Protection Agency shall obtain a list of all state and local elected officials, which shall serve as each elected official's request to delete the elected official's personal information pursuant to paragraph (1) of subdivision (b) of Section 1798.99.86. The list shall include each elected official's name and other profile data, as defined by the California Privacy Protection Agency, that has been shared voluntarily by the elected official.

(2) The California Privacy Protection Agency shall provide each elected official an opportunity to request that the elected official's name and profile data be removed from the list.

(3) Following the certification of a final election, the California Privacy Protection Agency shall comply with paragraphs (1) and (2) with respect to each newly elected official.

(b) (1) The Judicial Council shall provide the California Privacy Protection Agency with a list of all California judges, which shall serve as each judge's request to delete the judge's personal information pursuant to paragraph (1) of subdivision (b) of Section

1798.99.86. The list shall include each judge's name and other profile data, as defined by the California Privacy Protection Agency, that has been shared voluntarily by the judge.

(2) Before providing the list to the California Privacy Protection Agency, the Judicial Council shall provide each judge an opportunity to request that the judge's name and profile data be removed from the list. The list submitted to the California Privacy Protection Agency shall only include those judges that did not request to be removed from the list.

(3) The Judicial Council shall provide an updated list after the appointment or election of any additional judge.

(c) (1) After receipt of the lists required by this section, the California Privacy Protection Agency shall upload the lists required by this section to the accessible deletion mechanism established pursuant to Section 1798.99.86.

(2) Beginning August 1, 2026, an entity receiving a notification that a deletion is required shall do so within five days.

(d) Any information shared pursuant to this section shall be shared in a secure and confidential exchange. The lists and the information in the lists shall be confidential and not subject to disclosure under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(e) An elected official or judge who is on a list described in subdivision (a) or (b), the Attorney General, a county counsel, or a city attorney may bring an action for a violation of this section for any of the following relief:

(1) Declaratory relief.

(2) Injunctive relief.

(3) Reasonable attorney's fees.

(4) Actual damages.

(f) In addition to the other relief provided under this section, if a court finds that an entity willfully refused to provide for deletion as required under this section, the court may award punitive damages.

SEC. 2. The Legislature finds and declares that Section 1 of this act, which adds Section 1798.99.86.5 to the Civil Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect the confidential and private information of an elected official or judge, it is necessary that this act limit the public's right of access to that information.

~~SECTION 1. Title 23 (commencing with Section 3273.75) is added to Part 4 of Division 3 of the Civil Code, to read:~~

~~23. Protected Individuals~~

~~3273.75. As used in this title:~~

~~(a) "Business" means a sole proprietorship, partnership, limited liability company, corporation, association, nonprofit entity, or other legal entity that collects individuals' personal information, or on the behalf of which that information is collected, and that alone, or jointly with others, determines the purposes and means of the processing of personal information and does business in the state.~~

~~(b) "Data broker" has the meaning defined in Section 1798.99.80.~~

~~(c) "Governmental entity" means a state or local agency, including, but not limited to, a law enforcement entity or any other investigative entity, agency, department, division, bureau, board, or commission, or any individual acting or purporting to act for or on behalf of a state or local agency.~~

~~(d)(1) "Personal information" means any of the following:~~

~~(A) A residential address.~~

~~(B) A personal email address.~~

~~(C) A personal telephone number.~~

~~(D) A driver's license number.~~

~~(E) A passport number.~~

~~(F) Geolocation data.~~

~~(G)A license plate number or unique identifier of a vehicle.~~

~~(H)A birth, marital, or divorce record.~~

~~(I)A child, spouse, parent, or sibling's name.~~

~~(J)A school or daycare.~~

~~(K)A place of worship.~~

~~(L)A place of employment.~~

~~(2)"Personal information" does not include information that is any of the following:~~

~~(A)Information that has been publicly disclosed with the informed consent of the protected individual.~~

~~(B)Information that is relevant to, and displayed as part of, a news story, commentary, editorial, or any other speech on a matter of public concern.~~

~~(C)Information that is required by law to be made publicly available by a governmental entity.~~

~~(e)"Protected individual" means any of the following:~~

~~(1)A current or former representative elected in the state, as determined by the Secretary of State.~~

~~(2)An appointed officer of a court or a magistrate in the state.~~

~~(3)A spouse, a child, or a dependent who resides in the same household as an individual described in paragraph (1) or (2).~~

~~(f)"Publish" means to make publicly available on an internet website or social media platform.~~

~~(g)"Sell" means to sell, rent, release, disclose, disseminate, make available, transfer, or otherwise communicate orally, in writing, or by electronic or other means, a protected individual's personal information to a third party for monetary or other valuable consideration.~~

~~3273.76.(a)A protected individual, or the California Privacy Protection Agency on behalf of a protected individual, may request a business to do either of the following:~~

~~(1)Refrain from selling the protected individual's personal information.~~

~~(2>Delete the protected individual's personal information.~~

~~(b)On receipt of a request under subdivision (a), a business shall delete the personal information within 72 hours of receiving the request.~~

~~3273.77.(a)(1)On or before March 1, 2026, the California Privacy Protection Agency shall obtain a list of all state and local elected officials that includes their contact information.~~

~~(2)Following the certification of a final election, the California Privacy Protection Agency shall obtain a list of elected officials that includes their contact information.~~

~~(b)(1)The Judicial Council shall provide the California Privacy Protection Agency with a list of all California judges that includes their contact information.~~

~~(2)The Judicial Council shall provide an updated list after the appointment or election of any additional judge.~~

~~(c)Upon receipt of the lists required by this section, the California Privacy Protection Agency shall submit a request on behalf of any elected official or judge to any registered data broker to delete the personal information of those individuals.~~

~~(d)For assistance with any other deletion request, the protected individual shall provide the California Privacy Protection Agency with a list of businesses that the protected individual wants the California Privacy Protection Agency to request deletion of the protected individual's personal information.~~

~~(e)The California Privacy Protection Agency shall provide any elected official or judge with a notice regarding the process for requesting the deletion of the personal information of that individual's family members and the process for requesting assistance with requesting the deletion of personal information from a business that is not a registered data broker.~~

~~3273.78.(a)A protected individual, or the protected individual's authorized representative, may request a governmental entity to do~~

the following:

~~(1) Refrain from publishing the protected individual's personal information.~~

~~(2) Remove the protected individual's personal information from any existing publication.~~

~~(b) A request made under this section to a governmental entity shall meet all of the following criteria:~~

~~(1) The request shall be in writing.~~

~~(2) The request shall be sent by certified mail or by email.~~

~~(3) The request shall adequately identify the publication containing the personal information.~~

~~(c) On receipt of a request under this section, a governmental entity shall promptly acknowledge receipt of the request in writing by certified mail or by email and do both of the following:~~

~~(1) Take steps reasonably necessary to ensure that the personal information is not published.~~

~~(2) If the personal information is already published, remove the personal information within 72 hours after receipt of the request.~~

~~3273.79.(a) A business shall not knowingly sell the personal information of a protected individual if both of the following are true:~~

~~(1) The business knows, or reasonably should know, that selling the personal information poses an imminent and serious threat to the protected individual.~~

~~(2) The selling of the personal information results in any of the following:~~

~~(A) An assault in any degree.~~

~~(B) Harassment.~~

~~(C) Trespass.~~

~~(D) Malicious destruction of property.~~

~~(b) A person who violates this section shall be subject to a civil penalty not exceeding five thousand dollars (\$5,000) in an action brought only by the Attorney General.~~

~~3273.80.(a) A protected individual, the Attorney General, a county counsel, or a city attorney may bring an action for a violation of Sections 3273.76 and 3273.78 for any of the following relief:~~

~~(1) Declaratory relief.~~

~~(2) Injunctive relief.~~

~~(3) Reasonable attorney's fees.~~

~~(4) Actual damages.~~

~~(b) In addition to the other relief provided under this section, if a court finds that a business or governmental entity willfully refused to provide for the removal of personal information knowing that the individual on behalf of whom the request was made was a protected individual, the court may award punitive damages.~~

~~SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~