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AB-883 California Public Records Act: personal information of elected and appointed officials. (2025-2026)

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AMENDED IN ASSEMBLY MARCH 24, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 883

Introduced by Assembly Member Lowenthal

February 19, 2025

An act to amend ~~7928.205 of~~ Sections 7928.205, 7928.210, 7928.215, 7928.220, 7928.225, and 7928.230 of, and to add Section 7928.201 to, the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 883, as amended, Lowenthal. California Public Records ~~Act~~. *Act: personal information of elected and appointed officials.*

The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. That ~~act~~ *act, among other things*, prohibits a state or local agency from publicly posting the home address, telephone number, or both the name and assessor parcel number associated with the home address of any elected or appointed official on the internet without first obtaining the written permission of that individual. *The act also makes it a misdemeanor for a person to knowingly post the home address or telephone number of any elected or appointed official, or of the official's residing spouse or child, on the internet, knowing that person is an elected or appointed official and intending to cause imminent great bodily harm or threatening to cause imminent great bodily harm, as provided.*

~~This bill would make nonsubstantive changes to that provision.~~

The act additionally prohibits a person, business, or association from soliciting, selling, or trading on the internet the home address or telephone number of an elected or appointed official with the intent to cause imminent great bodily harm to the official or to any person residing at the official's home address. The act further prohibits a person, business, or association from publicly posting or publicly displaying on the internet the home address or telephone number of any elected or appointed official if that official has made a written demand of that person, business, or association to not disclose the official's home address or telephone number.

This bill would remove the references in those provisions to the home address, telephone number, name, and assessor's parcel number, and instead prohibit the disclosure of protected information under those provisions. The bill would define the term "protected information" to include, among other things, an individual's residential address, telephone number, social security number, or driver's license number. The bill would also remove the requirement that the information be disclosed on the internet

for purposes of those provisions. By imposing new duties on local agencies and expanding the definition of a crime, the bill would impose a state-mandated local program.

This bill would expand the prohibition against publicly posting or publicly displaying the protected information if a written demand has been made to also include a prohibition against selling the protected information and would expand the provisions relating to the written demand to also apply to a verifiable consumer request, as defined. The bill would make related changes.

This bill would provide that, for purposes of specified provisions described above and certain enforcement provisions, the protections and rights granted to an elected or appointed official extends to an immediate family member of the official who resides with the official, except as specified.

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.

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.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Section 7928.201 is added to the Government Code, to read:

7928.201. For purposes of this article, the following definitions apply:

(a) "Protected information" includes an individual's residential address, telephone number, social security number, driver's license number, state identification card number, passport number, license plate number, vehicle registration information for a motor vehicle owned or leased by the individual, and information regarding an individual's precise geolocation, as defined in subdivision (w) of Section 1798.140 of the Civil Code.

(b) "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.

(c) "Sell," "selling," "sale," or "sold" means selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, an individual's personal information to a third party for monetary or other valuable consideration.

(d) "Verifiable consumer request" has the same meaning as set forth in subdivision (ak) of Section 1798.140 of the Civil Code.

SEC. 2. Section 7928.205 of the Government Code is amended to read:

7928.205. (a) Notwithstanding subdivision (a) of Section 7922.545, ~~no~~ a state or local agency shall ~~not~~ publicly post ~~the home address, telephone number, or both the name and assessor parcel number associated with the home address~~ or publicly display the protected information of any elected or appointed official ~~on the internet~~ without first obtaining the written permission of that individual.

~~(b) For purposes of this section, "publicly post" means to intentionally communicate or otherwise make available the information described in subdivision (a) on the internet in an unrestricted and publicly available manner.~~

~~(c)~~

(b) This section does not prohibit a state or local agency from publicly posting a legally required notice or publication of an elected or appointed official on the internet.

SEC. 3. *Section 7928.210 of the Government Code is amended to read:*

7928.210. (a) ~~No~~ A person shall *not* knowingly *publicly* post ~~the home address or telephone number~~ or *publicly display the protected information* of any elected or appointed official, or of the official's residing spouse or child, ~~on the internet~~ knowing that person is an elected or appointed official and intending to cause imminent great bodily harm that is likely to occur or threatening to cause imminent great bodily harm to that individual.

(b) A violation of this section is a misdemeanor.

(c) A violation of this section that leads to the bodily injury of the official, or the official's residing spouse or child, is a misdemeanor or a felony.

SEC. 4. *Section 7928.215 of the Government Code is amended to read:*

~~7928.215.(a) For purposes of this section, "publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.~~

~~(b) No~~

7928.215. (a) A person, business, or association shall *not sell*, publicly ~~post~~ *post*, or publicly display ~~on the internet the home address or telephone number~~ *the protected information* of any elected or appointed official if that official has, either directly or through an agent designated under Section 7928.220, made a written demand ~~of of, or submitted a verifiable consumer request to,~~ that person, business, or association to not *sell or* disclose the official's ~~home address or telephone number.~~ *protected information.*

~~(c)~~

(b) A written demand *or verifiable consumer request* made under this section by a state constitutional officer, a mayor, ~~or~~ a Member of the Legislature, *or a member of* a city ~~council;~~ *council* or a board of supervisors shall include a statement describing a threat or ~~fear~~ *fear, hypothetical or otherwise*, for the safety of that official or of any person residing at the official's home address.

~~(d)~~

(c) A written demand *or verifiable consumer request* made under this section by an elected official shall be effective for four years, regardless of whether the official's term has expired before the end of the four-year period.

~~(e)~~

(d) (1) A person, business, or association that receives the written demand *or verifiable consumer request* of an elected or appointed official pursuant to this section shall remove the official's ~~home address or telephone number~~ *protected information* from public ~~display on the internet;~~ *display*, including information provided to cellular telephone applications, within 48 hours of delivery of the written ~~demand;~~ *demand or verifiable consumer request*, and shall continue to ensure that this information is not reposted ~~on the same internet website, subsidiary site, or any other internet website maintained by the recipient of the written demand; or sold.~~

(2) After receiving the elected or appointed official's written ~~demand;~~ *demand or verifiable consumer request*, the person, business, or association shall not transfer the appointed or elected official's ~~home address or telephone number~~ *protected information* to any other person, business, or association through any other medium.

(3) Paragraph (2) does not prohibit a telephone corporation, as defined in Section 234 of the Public Utilities Code, or its affiliate, from transferring the elected or appointed official's home address or telephone number to any person, business, or association, if the transfer is authorized by federal or state law, regulation, order, or tariff, or necessary in the event of an emergency, or to collect a debt owed by the elected or appointed official to the telephone corporation or its affiliate.

(e) *For purposes of this section and the enforcement provisions of this article, the protections and rights granted to an elected or appointed official shall extend to an immediate family member of the official who resides with the official, provided that the immediate family member shall have no right to enforce this section for violations that occur with respect to any period when the immediate family member does not reside with the official.*

SEC. 5. *Section 7928.220 of the Government Code is amended to read:*

7928.220. (a) An elected or appointed official may designate in writing *a third party, including* the official's employer, a related governmental entity, or any voluntary professional association of similar officials to act, on behalf of that official, as that official's agent with regard to making a written demand *or verifiable consumer request* pursuant to this article.

(b) An appointed official who is a district attorney, a deputy district attorney, or a peace officer, as defined in Sections 830 to 830.65, inclusive, of the Penal Code, may also designate the official's recognized collective bargaining representative to make a written demand *or verifiable consumer request* on the official's behalf pursuant to this article.

(c) A written demand *or verifiable consumer request* made by an agent pursuant to Section 7928.215 shall include a statement describing a threat or ~~fear~~ *fear, hypothetical or otherwise*, for the safety of that official or of any person residing at the official's home address.

SEC. 6. *Section 7928.225 of the Government Code is amended to read:*

7928.225. (a) An official whose ~~home address or telephone number~~ *protected information* is made public as a result of a violation of Section 7928.215 may bring an action seeking injunctive or declarative relief in any court of competent jurisdiction.

(b) If a court finds that a violation has occurred, it may grant injunctive or declarative relief and shall award the official court costs and reasonable attorney's fees.

(c) A fine not exceeding one thousand dollars (\$1,000) may be imposed for a violation of the court's order for an injunction or declarative relief obtained pursuant to this section.

SEC. 7. *Section 7928.230 of the Government Code is amended to read:*

7928.230. (a) ~~No~~ *A* person, business, or association shall *not* solicit, sell, or trade ~~on the internet the home address or telephone number~~ *the protected information* of an elected or appointed official with the intent to cause imminent great bodily harm to the official or to any person residing at the official's home address.

(b) Notwithstanding any other law, an official whose ~~home address or telephone number~~ *protected information* is solicited, sold, or traded in violation of subdivision (a) may bring an action in any court of competent jurisdiction.

(c) If a jury or court finds that a violation has occurred, it shall award damages to that official in an amount up to a maximum of three times the actual damages but in no case less than four thousand dollars (\$4,000).

SEC. 8. *The Legislature finds and declares that Section 2 of this act, which amends Section 7928.205 of 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:*

It is necessary to protect the personal safety and privacy of public officials and their families by limiting access to their personal information.

SEC. 9. *The Legislature finds and declares that Section 2 of this act, which amends Section 7928.205 of the Government 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:*

It is necessary to protect the personal safety and privacy of public officials and their families by limiting access to their personal information.

SEC. 10. *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

However, if the Commission on State Mandates determines that this act contains other 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.

SECTION 1. ~~Section 7928.205 of the Government Code is amended to read:~~

~~7928.205. (a) Notwithstanding subdivision (a) of Section 7922.545, a state or local agency shall not publicly post the home~~

address, telephone number, or both the name and assessor parcel number associated with the home address of any elected or appointed official on the internet without first obtaining the written permission of that individual.

(b) For purposes of this section, “publicly post” means to intentionally communicate or otherwise make available the information described in subdivision (a) on the internet in an unrestricted and publicly available manner.

(c) This section does not prohibit a state or local agency from publicly posting a legally required notice or publication of an elected or appointed official on the internet.