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SB1002

An act to amend Section 6253.9 of, and to add Article 5.5 (commencing with Section 11085) to Chapter 1 of Part 1 of Division 3 of Title 2 of, the Government Code, relating to public records.



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

SECTION 1. Section 6253.9 of the Government Code is amended to read:

6253.9. (a) Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure pursuant to this chapter that is in an electronic format shall make that information available in an electronic format when requested by any person and, when applicable, shall comply with the following:

(1) The agency shall make the information available in any electronic format in which it holds the information.

(2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.

(b) Notwithstanding paragraph (2) of subdivision (a), the requester shall bear the cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record when either of the following applies:

(1) In order to comply with the provisions of subdivision (a), the public agency would be required to produce a copy of an electronic record and the record is one that is produced only at otherwise regularly scheduled intervals.

(2) The request would require data compilation, extraction, or programming to produce the record.



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(c) ~~Nothing in this~~ This section shall not be construed to require the public agency to reconstruct a record in an electronic format if the agency no longer has the record available in an electronic format.

(d) If the request is for information in other than electronic format, and the information also is in electronic format, the agency may inform the requester that the information is available in electronic format.

(e) At the request of a person, an agency may provide an electronic record in a format in which the text in the electronic record is searchable by commonly used software if the agency does not already have the electronic record in a searchable format. The requester shall bear the cost, if any, of converting the electronic record into a searchable format, including the cost of programming and computer services necessary to produce the electronic record.

(e)

(f) ~~Nothing in this~~ This section shall not be construed to permit an agency to make information available only in an electronic format.

(f)

(g) ~~Nothing in this~~ This section shall not be construed to require the public agency to release an electronic record in the electronic form in which it is held by the agency if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.

(g)

(h) ~~Nothing in this~~ This section shall not be construed to permit public access to records held by any agency to which access is otherwise restricted by statute.



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SEC. 2. Article 5.5 (commencing with Section 11085) is added to Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, to read:

Article 5.5. California Open Data Standard

11085. (a) Whenever a state agency is required by law to make data or a document available on the Internet, the data or document shall be in a format that is user-friendly and accessible. This paragraph shall not apply when the state agency does not have the data or document available for internal use in a user-friendly and accessible format.

(b) For purposes of this article, "user-friendly and accessible" means:

(1) The data or document can be copied and downloaded by using commonly used software and Internet applications.

(2) The text of the data or the text in the document can be searched by using commonly used software and Internet applications.

(3) The data or document is searchable on the Internet by commonly used Internet search engines.

(c) This section shall not be construed to require a state agency to convert any data or document into a format that is user-friendly and accessible.

