[Date]

The Honorable Thomas Umberg

Chair, Senate Judiciary Committee

1021 O Street, Room 3240
Sacramento, CA 95814

Re: **AB 1337 (Ward): Information Practices Act of 1977**

 **As amended May 23, 2025 – OPPOSE**

 **To be heard in the Senate Judiciary Committee – Hearing Date TBD**

Dear Chair Umberg,

On behalf of the [County], we write to respectfully oppose AB 1337 (Ward), which would apply the Information Practices Act of 1977 (“IPA,” or “the Act”) in its entirety to all 58 counties, 483 cities, over 1000 school districts and county offices of education, approximately 2,200 independent special districts, and the hundreds of JPAs, regional bodies, and other public agencies. Recent amendments also make several changes to the IPA itself that raise new questions for how state and local agencies can continue to operate a variety of programs. This is a costly, unnecessary change that could jeopardize essential service delivery to communities and students. [Insert direct impact to your county].

***Expands Legal Liability for State and Local Agencies***

Recent amendments could severely limit data sharing between local governments and the state, which could expose state and local agencies to legal liability for routine actions. In addition to applying the program to local agencies, the bill would revise the IPA in several ways. The bill would amend Civil Code § 1798.24 to prohibit disclosure of any personal information that “could,” link the information to an individual, rather than the current standard that prohibits disclosure of information that “would,” link to an individual. This change alone is a dramatic revision to the IPA.

The bill proposes further revisions aimed at exposing public agencies to even greater liability. The proposed change to Civil Code § 1798.55 would expose public employees to discipline for “negligent” violations of the act, a broad expansion of the current standard for “intentional,” violations. Additionally, the proposed change to Civil Code § 1798.57 would expose agencies to misdemeanors even if there is no economic loss or personal injury due to a disclosure. At a time when public agencies are facing workforce recruitment and retention challenges, now is not the time to expose public employees to legal liabilities arising from compliance with a law that is suddenly imposed upon them.

***Complicates and Could Prohibit Necessary Data Sharing***

The proposed amendments to Civil Code § 1798.24(d) & (e) would prohibit government agencies from sharing data with other government agencies unless it “furthers the purpose,” for which the data were collected. It is not clear what this provision could mean for a variety of public programs that rely on sharing of data that may not necessarily “further the purpose,” for which the data were obtained. For example, California jury pools are fed by county voter registration rolls and lists provided by the Department of Motor Vehicles (DMV).

When an individual registers to vote, the purpose for which they provide their data is to register to vote, not to join a jury selection pool. If AB 1337 were to pass, county election offices and the DMV would likely need to completely change their data management practices, update forms, change policies and procedures, and train staff, among other changes that will be expensive for state and local governments. Further, it is not clear this change would solve any real-world problems felt by Californians and, instead, could simply make government less efficient and increase the cost of providing essential government services. This is just one example of how AB 1337 could vastly complicate the work of state and local governments without a clear benefit for the public. We are continuing to evaluate and analyze the myriad government services that could be endangered or simply made less efficient and more expensive due to this law, including CalAIM, Medi-Cal for justice-involved individuals, or any other recent initiative that relies on cross-agency data sharing and coordination.

***Hampers Abilities to Respond to Unlawful Activity***

Additionally, the proposed law would severely restrict the ability of a public agency to respond to a criminal act. The proposed amendments to Civil Code § 1798.24(l) & (o) would remove longstanding exceptions to the act that allow disclosures in response to a search warrant or to aid an investigation into unlawful activity. This change would put agencies in an absurd position when they have knowledge about a member of the public implicated in a crime. If this law were to take effect, agencies would have to obtain permission from an accused individual before they could share identifying information needed to aid an investigation or fulfill a search warrant.

***Imposes Expensive Requirements on Local Agencies, with No Time or Resources***

The bill in its current form does not appear to contemplate the vast technical effort that would be required for thousands of agencies to come into compliance. The effort would certainly require technological changes, including in many cases new equipment, coding for proprietary systems, and software purchases.

The Act was not designed with local agencies in mind and is peppered with requirements that do not make sense in that context. Application of the IPA to local agencies would not only require time and staff capacity, it would also require significant financial resources that are not provided in the bill. AB 1337 clearly imposes a state mandate by requiring a new program for data management and a higher level of service to everyone whose personal information local agencies receive from any source. State mandates require reimbursement to local agencies and in this case could total many millions of dollars just for the initial implementation, not including the ongoing support needed to sustain compliance. Application of the IPA to local agencies must be accompanied by sustainable and sufficient resources.

Local agencies and schools are already required to comply with a variety of state and federal data privacy laws that address specific programs administered by counties, including the Health Insurance Portability and Accountability Act (HIPAA) and Confidentiality of Medical Information Act (CMIA) for Medi-Cal beneficiaries and those receiving care at public hospitals; CA Penal Code § 111675 for case records related to child protective services claims, and, for school districts, the Family Educational Rights and Privacy Act (FERPA). There are also numerous labor laws to protect information about employees and officials who serve in positions that may be targeted based on their job duties. Local agencies already have in place policies and procedures to comply with these laws. We continue to question the need for this bill and doubt that any possible benefits from this bill are worth the cost and efforts needed to comply with it.

To add to these challenges, the bill allows state and local agencies little time to prepare for compliance. Because the bill would take effect January 1, 2026, and because state and local agencies may not know if the bill will become law until the Governor’s October 2025, deadline to sign or veto bills, local agencies could have fewer than three months to prepare for compliance with the IPA.

Finally, Section 17 of the bill asserts that no reimbursement is required by the act, suggesting that the only state-mandated activity directed by the bill is due to the adjustments to a crime or infraction. We believe the language is inappropriate and should be amended to clearly declare that the bill would establish a new mandate reimbursable under state law, as the bill clearly mandates a new activity by local agencies: compliance with the IPA, which requires significant changes to software, internal practices, and duties of local agency workforces.

For the reasons above, we must respectfully oppose AB 1337 and urge your “no” vote.

Sincerely,

[Name and Signature]

 CC: The Honorable Chris Ward, Member, California State Assembly

 Members and Consultants, Senate Judiciary Committee

Margie Estrada, Chief Counsel, Senate Judiciary Committee

Morgan Branch, Senate Republican Caucus