

Executive Department
State of California

FILED
In the office of the Secretary of State
of the State of California

SEP 30 1976

MARCH EDONG EU, Secretary of State

EXECUTIVE ORDER NO. B-22-76

By *Philip Suedel*
Deputy

WHEREAS, the right to privacy and the right to petition one's government for the redress of grievances are fundamental rights granted and secured to all individuals by the Constitution of the State of California;

WHEREAS, individuals should have a right to gain access to information pertaining to them which is maintained by government unless there is a clear and overriding public interest in withholding such information;

WHEREAS, individuals should have a right to correct any misinformation that is being maintained on them by their government;

WHEREAS, the government has an obligation to collect only that information for which there exists a compelling state interest and to ensure the accuracy and reliability of such information;

WHEREAS, every individual should be informed of the uses that will be made of information he or she is asked to supply to the government;

WHEREAS, state agencies under the supervision of the Governor can provide a model for all other agencies of the Executive Branch as well as for local governments in administering programs designed to implement the rights and principles outlined above;

NOW, THEREFORE, I, Edmund G. Brown Jr., Governor of the State of California, hereby issue this order to become effective on January 1, 1977.

DEFINITIONS

Section 1. For the purposes of this order:

- (a) The term "file" means a collection of information which is retrieved by the name of an individual or by some identifying particular assigned to an individual.
- (b) The term "individual" means a natural person acting in his or her individual and private capacity.

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- (c) The term "agency" shall include all agencies of the Executive Branch of state government except those which are established by Constitutional provision.

GENERAL AGENCY REQUIREMENTS

Section 2. Each agency shall:

- (a) Maintain only that information which is relevant and necessary to accomplish a purpose of the agency required or authorized by statute.
- (b) Attach to any form used to collect information from individuals a statement containing the following, unless such information is already contained in the form itself:
- (1) The name of the agency that is requesting the information.
 - (2) The title, address, and telephone number of the agency official who is responsible for the maintenance of the information.
 - (3) The authority which authorizes the maintenance of the information.
 - (4) With respect to each item of information, whether submission of such information is mandatory or voluntary.
 - (5) The consequences, if any, of not providing all or any part of the requested information.
 - (6) The principal purpose or purposes for which the information is to be used.
 - (7) The individual's right to review files maintained on him or her by the agency.
- (c) Maintain all files with accuracy, relevance, timeliness, and completeness.
- (d) Ensure that no information in a file is transferred outside the agency or to another agency unless the transfer is compatible with the purpose for which it was collected.

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- (e) Ensure that no information is destroyed for the purpose of avoiding compliance with this order.
- (f) Ensure that no individual is denied access to any information which has been utilized in a determination which affects that individual.

ACCESS AND AMENDMENTS TO RECORDS

Section 3. Each agency that maintains files shall:

- (a) Permit any individual upon request and proper identification to gain access to the original or a complete copy of any file pertaining to such individual. A file in active use shall be made available within 30 days of the request; a stored file, within 60 days. An individual shall not be permitted to gain access to any file that does not pertain to him or her except as provided under the Public Records Act (Section 6250 et seq. of the Government Code) or pursuant to statutes or judicial decisions relating to discovery during litigation.
- (b) Permit the individual to request in writing an amendment to the file, and within 30 days of such request:
 - (1) Make any correction requested by the individual; or
 - (2) Permit the individual to file a concise statement of dispute which shall be included as a permanent part of the file; or
 - (3) With the agreement of the individual, destroy disputed information.
- (c) Provide at reasonable cost copies of any documents within a file to which the individual is entitled to obtain access.

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EXEMPTIONS

- Section 4. (a) Nothing in this order shall be construed to allow an individual access, not otherwise authorized by law, to information in a file compiled in reasonable anticipation of a civil action or administrative adjudicatory proceeding against such individual.
- (b) Nothing in this order shall be construed to allow an individual access to information which is required by law to be kept confidential.
- (c) Nothing in this order shall be construed to allow an individual access to testing or examination material, the disclosure of which would compromise the objectivity of the process, or to medical or psychiatric material, the disclosure of which would, in competent medical opinion, be detrimental to the individual.
- (d) Nothing in this order shall be construed to allow an individual access to files containing information used solely for the purpose of verifying and paying government health care service claims made pursuant to Division 9 (commencing with Section 10000) of the Welfare and Institutions Code.
- (e) Nothing in this order shall be construed to allow an individual access to files:
- (1) Maintained by an agency for the purpose of enforcing criminal laws or preventing crime where such files are used exclusively for law enforcement investigative information and information in such files is acquired in conjunction with the investigation of criminal activity; or
 - (2) Maintained by correctional or parole authorities; and

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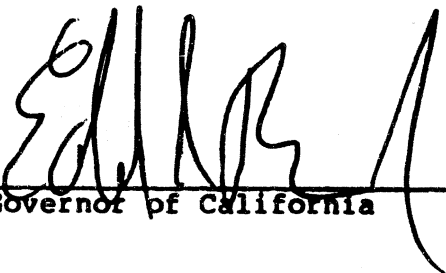
- (3) The files exempted under subdivision (1) or (2) above consist of information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual.

REVIEW OF AGENCY DECISIONS AND ACTIONS

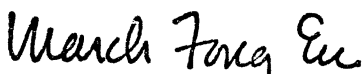
Section 5. Whenever an individual is dissatisfied with an agency's decision or actions relating to the implementation of this order, he or she may file a petition with the Office of Administrative Hearings which will mediate the disagreement and ensure that the agency is in full compliance with this order.



IN WITNESS THEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 29th day of September 1976.


Governor of California

ATTEST:


Secretary of State

by 
Deputy Secretary of State