

CLIENT NEWS BRIEF

Under the Public Records Act, Local Agencies Are Now Required to Create and Maintain a Catalog of Enterprise Systems

On October 11, 2015, Governor Jerry Brown signed into law Senate Bill (SB) 272, which requires local agencies to create a catalog of "enterprise systems," as defined, as part of implementing the California Public Records Act (PRA). This bill does not currently apply to local educational agencies.

SB 272 becomes effective January 1, 2016. It adds section 6270.5 to the Government Code, which requires local agencies to create a catalog of "enterprise systems." "Enterprise system" is defined under this section as "a software application or computer system that collects, stores, exchanges, and analyzes information the agency uses." Enterprise systems are also limited to multidepartmental systems or systems that contain information collected about the public and systems of record, meaning they serve as an original source of data within the agency. Finally, enterprise systems do not include IT security systems or records collected and stored by IT, nor does it include physical control systems such as video monitoring, mechanical control systems such as street lights or water functions, or systems related to emergency services.

The new law lists several items that must be included in the catalog of enterprise systems, such as the current vendor for the system, the current product, the system's purpose, a description of the categories of data, the department that oversees the system, and how frequently data is collected and updated. The catalog system must be posted in a prominent place on the agency's website, and made available upon request in the agency's office. Local agencies must have these catalogs completed and posted by July 1, 2016, and then must update them annually.

Government Code section 6270.5 explicitly states it is not intended to provide public access to records not otherwise available, or to change the way public records are requested. Also, if the agency determines under the Government Code section 6255 balancing test that the public interest weighs in favor of nondisclosure, the agency can instead provide just a name or identifier for the system. However, as with all PRA requests, nondisclosure under the balancing test should be well documented to support any potential push-back from the requester. Local agencies should carefully weigh the governmental interests against the public's interest in disclosure, and when possible, do so with the advice and assistance of legal counsel.

SB 272 introduces a new law and there may be impacts or implementation issues not yet addressed or contemplated by the Legislature. Moreover, while this new law does not currently apply to local educational agencies, this law may later be expanded to cover local educational agencies. Local agencies should watch for further updates in the coming year.

For more information on SB 272, its implications for local agencies, and the complex nature of PRA requests, please contact one of our [nine offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).

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