

AMENDED IN SENATE AUGUST 11, 2020
AMENDED IN SENATE JULY 14, 2020
AMENDED IN SENATE MAY 29, 2020
AMENDED IN SENATE AUGUST 12, 2019
AMENDED IN SENATE JULY 11, 2019
AMENDED IN SENATE JUNE 24, 2019
AMENDED IN ASSEMBLY APRIL 8, 2019
AMENDED IN ASSEMBLY MARCH 21, 2019
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 660

Introduced by Assembly Member Levine

February 15, 2019

An act to add Title 1.81.10 (commencing with Section 1798.600) to Part 4 of Division 3 of the Civil Code, relating to personal information.

LEGISLATIVE COUNSEL'S DIGEST

AB 660, as amended, Levine. Personal information: contact tracing. Existing law, the Information Practices Act of 1977, prescribes a set of requirements, prohibitions, and remedies applicable to public agencies, as defined, with regard to their collection, storage, and disclosure of personal information.

Other existing law, the California Consumer Privacy Act of 2018 (CCPA), grants a consumer various rights with respect to personal information, as defined, that is collected or sold by a business, as defined, including the right to know the categories and the specific

pieces of personal information that have been collected and to opt out of the sale of personal information. The CCPA also grants a consumer the right to request a business to delete any personal information about the consumer collected by the business and requires a business to do so upon receipt of a verified request, except as specified. The CCPA exempts certain categories of personal information and entities from its provisions, including a health care provider or a covered entity governed by certain federal privacy, security, and data breach notification rules if the health care provider or covered entity maintains information in accordance with specified requirements.

This bill would prohibit data collected, received, or prepared for purposes of contact tracing from being ~~shared with any entity other than a public health entity.~~ *used, maintained, or disclosed for any purpose other than facilitating contact tracing efforts.* The bill would prohibit ~~a law enforcement official~~ *an officer, deputy, employee, or agent of a law enforcement agency, as defined,* from engaging in contact tracing.

The bill would require all data collected, received, or prepared for purposes of contact tracing to be deleted within 60 days, except if that data is in the possession of a state or local health department. The bill would define terms for its purposes.

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 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Title 1.81.10 (commencing with Section
2 1798.600) is added to Part 4 of Division 3 of the Civil Code, to
3 read:

4
5 TITLE 1.81.10. CONTACT TRACING

6
7 1798.600. As used in this title:

8 (a) “Contact tracing” means identifying and monitoring
9 individuals, through data collection and analysis, who may have
10 had contact with an infectious person as a means of controlling
11 the spread of a communicable disease.

12 (b) “Data” means measurements, transactions, determinations,
13 locations, or other information, whether or not that information
14 can be associated with a specific natural person.

15 ~~(c) “Law enforcement official” means any local agency or~~
16 ~~officer of a local agency authorized to enforce criminal statutes,~~
17 ~~regulations, or local ordinances or to operate jails or to maintain~~
18 ~~custody of individuals in jails, and any person or local agency~~
19 ~~authorized to operate juvenile detention facilities or to maintain~~
20 ~~custody of individuals in juvenile detention facilities. “Law~~
21 ~~enforcement official” for purposes of this title also includes staff~~
22 ~~of a district attorney.~~

23 ~~(d) “Public health entity” means a state or local public entity~~
24 ~~that is responsible for public health matters as part of its official~~
25 ~~mandate.~~

26 (c) “Law enforcement agency” means any of the following:

27 (1) A police department.

28 (2) A sheriff’s department.

29 (3) A district attorney.

30 (4) A county probation department.

31 (5) A transit agency police department.

32 (6) A school district police department.

33 (7) The police department of any campus of any of the following:

34 (A) The University of California.

35 (B) The California State University.

36 (C) A community college.

37 (8) The Department of the California Highway Patrol.

38 (9) The Department of Justice.

1 1798.601. (a) Data collected, received, or prepared for
 2 purposes of contact tracing shall not be shared with any entity
 3 ~~other than a public health entity. used, maintained, or disclosed~~
 4 *for any purpose other than facilitating contact tracing efforts.*

5 (b) (1) *Except as provided in paragraph (2), all data collected,*
 6 *received, or prepared for purposes of contact tracing shall be*
 7 *deleted within 60 days.*

8 (2) *This subdivision shall not apply to data in the possession of*
 9 *a local or state health department.*

10 1798.602. ~~A law enforcement official~~ *An officer, deputy,*
 11 *employee, or agent of a law enforcement agency shall not engage*
 12 *in contact tracing.*

13 1798.603. (a) *A person may bring a civil action for a violation*
 14 *of this title to obtain injunctive relief.*

15 (b) *A prevailing plaintiff in a civil action brought pursuant to*
 16 *this section shall be awarded reasonable attorney fees.*

17 SEC. 2. The Legislature finds and declares that Section 1 of
 18 this act, which adds Section 1798.601 of the Civil Code, imposes
 19 a limitation on the public’s right of access to the meetings of public
 20 bodies or the writings of public officials and agencies within the
 21 meaning of Section 3 of Article I of the California Constitution.
 22 Pursuant to that constitutional provision, the Legislature makes
 23 the following findings to demonstrate the interest protected by this
 24 limitation and the need for protecting that interest:

25 This act balances the right of the public to access relevant
 26 information about contact tracing efforts by public health entities
 27 while protecting the privacy rights of individuals whose data is
 28 collected for contact tracing purposes.

29 SEC. 3. The Legislature finds and declares that Section 1 of
 30 this act, which adds Section 1798.601 ~~of~~ to the Civil Code, furthers,
 31 within the meaning of paragraph (7) of subdivision (b) of Section
 32 3 of Article I of the California Constitution, the purposes of that
 33 constitutional section as it relates to the right of public access to
 34 the meetings of local public bodies or the writings of local public
 35 officials and local agencies. Pursuant to paragraph (7) of
 36 subdivision (b) of Section 3 of Article I of the California
 37 Constitution, the Legislature makes the following findings:

38 This act balances the right of the public to access relevant
 39 information about contact tracing efforts by public health entities

- 1 while protecting the privacy rights of individuals whose data is
- 2 collected for contact tracing purposes.

O