

AMENDED IN SENATE AUGUST 28, 2024

AMENDED IN SENATE AUGUST 15, 2024

AMENDED IN SENATE JULY 3, 2024

AMENDED IN SENATE JUNE 24, 2024

AMENDED IN SENATE JUNE 3, 2024

AMENDED IN ASSEMBLY MAY 16, 2024

AMENDED IN ASSEMBLY APRIL 24, 2024

AMENDED IN ASSEMBLY APRIL 22, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2930

Introduced by Assembly Member Bauer-Kahan

February 15, 2024

An act to add Chapter 25 (commencing with Section 22756) to Division 8 of the Business and Professions Code, relating to artificial intelligence.

LEGISLATIVE COUNSEL'S DIGEST

AB 2930, as amended, Bauer-Kahan. Automated decision ~~tools~~ *systems*.

The Unruh Civil Rights Act provides that all persons within the jurisdiction of this state are free and equal and, regardless of their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status, are entitled to the

full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

The California Fair Employment and Housing Act establishes the Civil Rights Department within the Business, Consumer Services, and Housing Agency and requires the department to, among other things, bring civil actions to enforce the act.

This bill would, among other things, require, as prescribed, a deployer, as defined, and a developer of an automated decision ~~tool~~, *system*, as defined, to perform an impact assessment on any automated decision ~~tool~~ *system* before the ~~tool~~ *system* is first deployed and annually thereafter that includes, among other things, a statement of the purpose of the automated decision ~~tool~~ *system* and its intended benefits, uses, and deployment contexts. *The bill would require a deployer or a developer to provide any impact assessment that it performed to the Civil Rights Department and would exempt an impact assessment provided to the department from the California Public Records Act, as prescribed.*

This bill would require a deployer to, prior to an automated decision ~~tool~~ *system* making a consequential decision, as defined, or being a substantial factor, as defined, in making a consequential decision, notify any natural person that is subject to the consequential decision that an automated decision ~~tool~~ *system* is being used and to provide that person with specified information. The bill would require a deployer that has deployed an automated decision ~~tool~~ *system* to make, or be a substantial factor in making, a consequential decision concerning a natural person, to provide to the natural person, among other things, an opportunity to correct any incorrect personal data. The bill would, if a consequential decision is made solely based on the output of an automated decision ~~tool~~, *system*, require a deployer to, if technically feasible, accommodate a natural person's request to not be subject to the automated decision ~~tool~~ *system* and to instead be subject to an alternative selection process or accommodation, as prescribed.

This bill would prohibit a deployer from using an automated decision ~~tool~~ *system* if an impact assessment identifies a reasonable risk of algorithmic discrimination, which the bill would define to mean the condition in which an automated decision ~~tool~~ *system* contributes to unlawful discrimination, including differential treatment or impacts disfavoring people based on their actual or perceived race, color, ethnicity, sex, religion, age, national origin, limited English proficiency, disability, veteran status, genetic information, reproductive health, or

any other classification protected by state or federal law, until that risk has been mitigated. The bill would also prohibit a developer from making available to potential deployers an automated decision-~~tool~~ *system* until the risk of algorithmic discrimination has been mitigated.

This bill would authorize the Civil Rights Department to bring a civil action against a deployer or developer for a violation of the bill and would authorize a court to award, only in an action for a violation involving algorithmic discrimination, a civil penalty of \$25,000 per violation. The bill would require the Civil Rights Department to, before commencing an action for injunctive relief, provide 45 days' written notice to a deployer or developer of the alleged violations of the bill and would provide a deployer or developer a specified opportunity to cure those violations, if the deployer or developer provides the person who gave the notice an express written statement, under penalty of perjury, that the violation has been cured and that no further violations shall occur. By expanding the scope of the crime of perjury, this bill would impose a state-mandated local program.

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 the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Chapter 25 (commencing with Section 22756)
2 is added to Division 8 of the Business and Professions Code, to
3 read:

4
5 CHAPTER 25. AUTOMATED DECISION-~~TOOLS~~ SYSTEMS

6
7 22756. As used in this chapter:

(a) “Algorithmic discrimination” means the condition in which an automated decision-~~tool~~ *system* contributes to unlawful discrimination, including differential treatment or impacts disfavoring people based on their actual or perceived race, color, ethnicity, sex, religion, age, national origin, limited English proficiency, disability, veteran status, genetic information, reproductive health, or any other classification protected by state or federal law.

(b) “Artificial intelligence” means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments.

~~(c) “Automated decision tool” means an artificial intelligence system or service that makes a consequential decision, or is a substantial factor in making consequential decisions.~~

(c) (1) “Automated decision system” means, consistent with Section 11546.45.5 of the Government Code, a computational process derived from machine learning, statistical modeling, data analytics, or artificial intelligence that issues simplified output, including a score, classification, or recommendation, that is used to assist or replace human discretionary decisionmaking and that is used to make, or be a substantial factor in making, a consequential decision.

(2) “Automated decision system” does not mean a spam email filter, firewall, antivirus software, identity and access management tool, calculator, database, dataset, or other compilation of data.

(d) “Consequential decision” means a decision or judgment that has a legal, material, or similarly significant effect on an individual’s life relating to access to government benefits or services, assignments of penalties by government, or the impact of, access to, or the cost, terms, or availability of, employment with respect to all of the following:

(1) Pay or promotion.

(2) Hiring or termination.

(3) Automated task allocation that limits, segregates, or classifies employees for the purpose of assigning or determining material terms or conditions of employment.

(e) “Deployer” means a person, partnership, developer, corporation, or any contractor or agent of those entities, that uses

1 an automated decision-~~tool~~ *system* to make a consequential
2 decision.

3 (f) “Developer” means a person, partnership, or corporation that
4 designs, codes, or produces an automated decision-~~tool~~, *system*,
5 or substantially modifies an artificial intelligence system or service
6 for the intended purpose of making, or being a substantial factor
7 in making, consequential decisions, whether for its own use or for
8 use by a third party.

9 (g) “Impact assessment” means a documented risk-based
10 evaluation of an automated decision-~~tool~~ *system* that meets the
11 criteria of Section 22756.1.

12 (h) “Sex” includes pregnancy, childbirth, and related conditions,
13 gender identity, intersex status, and sexual orientation.

14 (i) “Substantial factor” means an element of a decisionmaking
15 process that is capable of altering the outcome of the process.

16 (j) “Substantial modification” means a new version, new release,
17 or other update to an automated decision-~~tool~~ *system* that materially
18 changes its uses, intended uses, or outcomes.

19 (k) “Unlawful discrimination” means any act that violates
20 Section 51 of the Civil Code, any act that constitutes an unlawful
21 practice or unlawful employment practice under Part 2.8
22 (commencing with Section 12900) of Division 3 of Title 2 of the
23 Government Code, or any other practice or act that otherwise
24 violates a state or federal law against discrimination.

25 22756.1. (a) (1) Subject to paragraph (2), a deployer shall
26 perform an impact assessment on any automated decision-~~tool~~
27 *system* before the-~~tool~~ *system* is first deployed and annually
28 thereafter.

29 (2) (A) With respect to an automated decision-~~tool~~ *system* that
30 a deployer first used prior to January 1, 2025, the deployer shall
31 perform an impact assessment on that automated decision-~~tool~~
32 *system* before January 1, 2026, and annually thereafter.

33 (B) This subdivision does not require a deployer to perform an
34 impact assessment on an automated decision-~~tool~~ *system* before
35 using it if all of the following are true:

36 (i) The deployer uses the automated decision-~~tool~~ *system* only
37 for its intended use as determined by the developer of the
38 automated decision-~~tool~~, *system*.

39 (ii) The deployer does not make any substantial modifications
40 to the automated decision-~~tool~~, *system*.

1 (iii) The developer of the automated decision-tool *system* has
2 performed any impact assessment on the automated decision-tool
3 *system* required by subdivision (c).

4 (iv) The developer of the automated decision-tool *system* has
5 provided documentation to the deployer pursuant to Section
6 22756.3.

7 (b) A deployer shall ensure that an impact assessment prepared
8 pursuant to subdivision (a) includes all of the following:

9 (1) A statement of the purpose of the automated decision-tool
10 *system* and its intended benefits, uses, and deployment contexts.

11 (2) A description of all of the following:

12 (A) The personal characteristics or attributes that the automated
13 decision-tool *system* will measure or assess.

14 (B) The method by which the automated decision-tool *system*
15 measures or assesses those attributes or characteristics.

16 (C) How those attributes or characteristics are relevant to the
17 consequential decisions for which the automated decision-tool
18 *system* will be used.

19 (D) The automated decision-tool's *system's* outputs.

20 (E) How outputs are used to make, or be a substantial factor in
21 making, a consequential decision.

22 (3) A summary of the categories of information collected from
23 natural persons and processed by the automated decision-tool
24 *system* when it is used to make, or be a substantial factor in making,
25 a consequential decision, including, but not limited to, all of the
26 following:

27 (A) Each category of personal information identified by
28 reference to the applicable subparagraph enumerated under
29 paragraph (1) of subdivision (v) of Section 1798.140 of the Civil
30 Code.

31 (B) Each category of sensitive personal information identified
32 by reference to the applicable paragraph and subparagraph
33 enumerated under subdivision (ae) of Section 1798.140 of the Civil
34 Code.

35 (C) Each category of information related to a natural person's
36 receipt of sensitive services, as defined in Section 56.05 of the
37 Civil Code, identified by reference to the specific category of
38 sensitive service enumerated in the definition.

1 (4) A statement of the extent to which the deployer's use of the
2 automated decision-~~tool~~ *system* is consistent with or varies from
3 the statement required of the developer by Section 22756.3.

4 (5) An analysis of the risk of algorithmic discrimination,
5 including adverse impacts on the basis of sex, race, color, ethnicity,
6 religion, age, national origin, limited English proficiency, disability,
7 veteran status, genetic information, or any other classification
8 protected by state or federal law, resulting from the deployer's use
9 of the automated decision-~~tool~~ *system*.

10 (6) A description of the safeguards implemented, or that will
11 be implemented, by the deployer to address any reasonably
12 foreseeable risks of algorithmic discrimination arising from the
13 use of the automated decision-~~tool~~ *system*. The description-~~must~~
14 *shall* address all of the following:

15 (A) Whether the automated decision-~~tool~~ *system* could be
16 modified to mitigate the risk of algorithmic discrimination.

17 (B) Whether effective accommodations can be provided for any
18 limitations on accessibility.

19 (C) Whether less discriminatory procedures or methods could
20 be employed to mitigate the risk of algorithmic discrimination.

21 (7) A description of how the automated decision-~~tool~~ *system*
22 will be used by a natural person, or be monitored when it is used
23 autonomously, to make, or be a substantial factor in making, a
24 consequential decision.

25 (8) A description of how the automated decision-~~tool~~ *system*
26 has been or will be evaluated for validity, reliability, and relevance.

27 (c) (1) Subject to paragraph (2), a developer, before making an
28 automated decision-~~tool~~ *system* that it designs, codes, or produces
29 available to potential deployers, shall perform an impact assessment
30 on the automated decision-~~tool~~ *system* and annually thereafter.

31 (2) With respect to an automated decision-~~tool~~ *system* that a
32 developer first made available to potential deployers before January
33 1, 2025, the developer shall perform an impact assessment on the
34 automated decision-~~tool~~ *system* before January 1, 2026, and
35 annually thereafter.

36 (d) A developer shall ensure that an impact assessment prepared
37 pursuant to subdivision (c) includes all of the following:

38 (1) A statement of the purpose of the automated decision-~~tool~~
39 *system* and its intended benefits, uses, and deployment contexts.

1 (2) A description of the automated decision-~~tool~~'s *system*'s
2 outputs and how they are used to make, or be a substantial factor
3 in making, a consequential decision.

4 (3) A summary of the categories of information collected from
5 natural persons and processed by the automated decision-~~tool~~
6 *system* when it is used to make, or be a substantial factor in making,
7 a consequential decision, including, but not limited to, all of the
8 following:

9 (A) Each category of personal information identified by
10 reference to the applicable subparagraph enumerated under
11 paragraph (1) of subdivision (v) of Section 1798.140 of the Civil
12 Code.

13 (B) Each category of sensitive personal information identified
14 by reference to the applicable paragraph and subparagraph
15 enumerated under subdivision (ae) of Section 1798.140 of the Civil
16 Code.

17 (C) Each category of information related to a natural person's
18 receipt of sensitive services, as defined in Section 56.05 of the
19 Civil Code, identified by reference to the specific category of
20 sensitive service enumerated in the definition.

21 (4) An analysis of the risk of algorithmic discrimination,
22 including adverse impacts on the basis of sex, race, color, ethnicity,
23 religion, age, national origin, limited English proficiency, disability,
24 veteran status, genetic information, or any other classification
25 protected by state or federal law, resulting from the employer's use
26 of the automated decision-~~tool~~ *system*.

27 (5) A description of the measures taken by the developer to
28 mitigate the risk of algorithmic discrimination arising from the
29 use of the automated decision-~~tool~~ *system*.

30 (6) A description of how the automated decision-~~tool~~ *system*
31 can be used by a natural person, or be monitored when it is used
32 autonomously, to make, or be a substantial factor in making, a
33 consequential decision.

34 (7) A description of how the automated decision-~~tool~~ *system*
35 has been evaluated for validity, reliability, and relevance.

36 (e) A employer or developer shall perform, as soon as feasible,
37 an impact assessment with respect to any substantial modification
38 to an automated decision-~~tool~~ *system*.

39 (f) This section does not apply to a employer with fewer than
40 55 employees unless the employer used an automated decision-~~tool~~

1 *system* that impacted more than 999 people during the previous
2 calendar year.

3 22756.2. (a) (1) Prior to an automated decision-~~tool~~ *system*
4 making a consequential decision, or being a substantial factor in
5 making a consequential decision, a deployer shall notify any natural
6 person that is subject to the consequential decision that an
7 automated decision-~~tool~~ *system* is being used.

8 (2) A deployer shall provide to a natural person notified pursuant
9 to this subdivision all of the following:

10 (A) A statement of the purpose of the automated decision-~~tool~~
11 *system*.

12 (B) Contact information for the deployer.

13 (C) A plain language description of the automated decision-~~tool~~
14 *system* that includes all of the following:

15 (i) The personal characteristics or attributes that the automated
16 decision-~~tool~~ *system* will measure or assess.

17 (ii) The method by which the automated decision-~~tool~~ *system*
18 measures or assesses those attributes or characteristics.

19 (iii) How those attributes or characteristics contribute to the
20 consequential decision.

21 (iv) The format and structure of the automated decision-~~tool~~'s
22 *system's* outputs.

23 (v) How those outputs are used to make, be a substantial factor
24 in making, a consequential decision.

25 (vi) A summary of the most recent impact assessment performed
26 on the automated decision-~~tool~~ *system*.

27 (D) Information sufficient to enable the natural person to request
28 to be subject to an alternative selection process or accommodation,
29 as applicable, in lieu of the automated decision-~~tool~~, *system*, as
30 provided in subdivision (b).

31 (b) (1) If a consequential decision is made solely based on the
32 output of an automated decision-~~tool~~, *system*, a deployer shall, if
33 technically feasible, accommodate a natural person's request to
34 not be subject to the automated decision-~~tool~~ *system* and to instead
35 be subject to an alternative selection process or accommodation.

36 (2) After a request pursuant to paragraph (1), a deployer may
37 reasonably request, collect, and process information from a natural
38 person for the purposes of identifying the person and the associated
39 consequential decision. If the person does not provide that

1 information, the deployer shall not be obligated to provide an
2 alternative selection process or accommodation.

3 (c) A deployer that has deployed an automated decision-~~tool~~,
4 *system*, to make, or be a substantial factor in making, a
5 consequential decision concerning a natural person, shall provide
6 to the natural person all of the following:

7 (1) A simple and actionable explanation that identifies the
8 principal factors, characteristics, logic, and other information
9 related to the individual that led to the consequential decision.

10 (2) The role that the automated decision-~~tool~~ *system* played in
11 the decisionmaking process.

12 (3) The opportunity to correct any incorrect personal data that
13 the automated decision-~~tool~~ *system* processed in making, or as a
14 substantial factor in making, the consequential decision.

15 (d) All notices and other communications described in this
16 section shall be all of the following:

17 (1) Transmitted directly to the subject of the consequential
18 decision when possible, or else made available in a manner
19 reasonably calculated to ensure that the subjects of consequential
20 decisions receive actual notice.

21 (2) Provided in English, in any non-English language spoken
22 by at least 1 percent of the population of this state as of the most
23 recent United States Census, and in any other language that the
24 deployer regularly uses to communicate with the subjects of
25 consequential decisions.

26 (3) Written in clear and plain language.

27 (4) Made available in formats that are accessible to people who
28 are blind or have other disabilities.

29 (5) Otherwise presented in a manner that ensures the
30 communication clearly and effectively conveys the required
31 information to subjects of the relevant consequential decisions.

32 22756.3. (a) A developer shall provide a deployer with the
33 results of any impact assessment performed on an automated
34 decision-~~tool~~ *system* that the developer sells, licenses, or otherwise
35 transfers to the deployer, along with documentation describing all
36 of the following:

37 (1) The intended uses of the automated decision-~~tool~~ *system*.

38 (2) The known limitations of the automated decision-~~tool~~,
39 *system*, including any reasonably foreseeable risks of algorithmic
40 discrimination arising from its intended use.

1 (3) The type of data used to program or train the automated
2 decision-~~tool~~ system.

3 (4) How the automated decision-~~tool~~ system was evaluated for
4 validity and explainability before sale or licensing.

5 (5) The deployer's responsibilities under this chapter.

6 (6) Any technical information necessary for a deployer to fulfill
7 their obligations under Section 22756.2.

8 (b) This section does not require the disclosure of trade secrets,
9 as defined in Section 3426.1 of the Civil Code. To the extent that
10 a developer withholds information pursuant to this section, the
11 developer shall notify the deployer and provide a basis for the
12 withholding.

13 22756.4. (a) (1) A deployer or developer shall establish,
14 document, implement, and maintain a governance program that
15 contains reasonable administrative and technical safeguards
16 designed to map, measure, and manage the reasonably foreseeable
17 risks of algorithmic discrimination associated with the use or
18 intended use of an automated decision-~~tool~~ system.

19 (2) The safeguards required by this subdivision shall be
20 appropriate to all of the following:

21 (A) The use or intended use of the automated decision-~~tool~~
22 system.

23 (B) The deployer's or developer's role as a deployer or
24 developer.

25 (C) The size, complexity, and resources of the deployer or
26 developer.

27 (D) The nature, context, and scope of the activities of the
28 deployer or developer in connection with the automated decision
29 ~~tool~~ system.

30 (E) The technical feasibility and cost of available-~~tools~~, systems,
31 assessments, and other means used by a deployer or developer to
32 map, measure, manage, and govern the risks associated with an
33 automated decision-~~tool~~ system.

34 (b) The governance program required by this section shall be
35 designed to do all of the following:

36 (1) (A) Designate at least one employee to be responsible for
37 overseeing and maintaining the governance program and
38 compliance with this chapter.

39 (B) (i) An employee designated pursuant to this paragraph shall
40 have the authority to assert to the employee's employer a good

1 faith belief that the design, production, or use of an automated
2 decision-~~tool~~ *system* fails to comply with the requirements of this
3 chapter.

4 (ii) An employer of an employee designated pursuant to this
5 paragraph shall conduct a prompt and complete assessment of any
6 compliance issue raised by that employee.

7 (2) Identify and implement safeguards to address reasonably
8 foreseeable risks of algorithmic discrimination resulting from the
9 use or intended use of an automated decision-~~tool~~ *system*.

10 (3) If established by a deployer, provide for the performance of
11 impact assessments as required by Section 22756.1.

12 (4) If established by a developer, provide for compliance with
13 Sections 22756.2 and 22756.3.

14 (5) Conduct an annual and comprehensive review of policies,
15 practices, and procedures to ensure compliance with this chapter.

16 (6) Maintain for five years after completion the results of an
17 impact assessment.

18 (7) Evaluate and make reasonable adjustments to administrative
19 and technical safeguards in light of material changes in technology,
20 the risks associated with the automated decision-~~tool~~ *system*, the
21 state of technical standards, and changes in business arrangements
22 or operations of the deployer or developer.

23 (c) This section does not apply to a deployer with fewer than
24 55 employees unless the deployer used an automated decision-~~tool~~
25 *system* that impacted more than 999 people during the previous
26 calendar year.

27 22756.5. A deployer and developer shall make publicly
28 available, in a readily accessible manner, a clear policy that
29 provides a summary of both of the following:

30 (a) The types of automated decision-~~tools~~ *systems* currently in
31 use or made available to others by the deployer or developer.

32 (b) How the deployer or developer manages the reasonably
33 foreseeable risks of algorithmic discrimination that may arise from
34 the use of the automated decision-~~tools~~ *systems* it currently uses
35 or makes available to others.

36 22756.6. (a) If an impact assessment performed by a deployer
37 pursuant to Section 22756.1 identifies a reasonable risk of
38 algorithmic discrimination, the deployer shall not use the automated
39 decision-~~tool~~ *system* until the risk has been mitigated.

(b) If an impact assessment performed by a developer pursuant to Section 22756.1 identifies a reasonable risk of algorithmic discrimination under deployment conditions reasonably likely to occur in this state, the developer shall not make the automated decision-tool system available to potential deployers until the risk has been mitigated.

22756.7. (a) *The Civil Rights Department may investigate a possible violation of this chapter and may request an impact assessment performed pursuant to this chapter in order to carry out the investigation.*

(b) (1) *Within 30 days of receiving a request from the Civil Rights Department, a deployer or a developer shall provide any impact assessment that it performed pursuant to this chapter to the Civil Rights Department.*

(2) *The disclosure of an impact assessment pursuant to this subdivision does not constitute a waiver of any attorney-client privilege or work-product protection that might otherwise exist with respect to the impact assessment and any information contained in the impact assessment.*

(3) *An impact assessment disclosed to the Civil Rights Department pursuant to this chapter shall be exempt from the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).*

22756.9. (a) The Civil Rights Department may bring a civil action against a deployer or developer for a violation of this ~~chapter:~~ chapter.

(b) A court may award in an action brought pursuant to this section all of the following:

(1) Injunctive relief.

(2) Declaratory relief.

(3) Reasonable attorney's fees and litigation costs.

(4) Only in an action for a violation involving algorithmic discrimination, a civil penalty of twenty-five thousand dollars (\$25,000) per violation.

(c) (1) The Civil Rights Department, before commencing an action pursuant to this section for injunctive relief, shall provide 45 days' written notice to a deployer or developer of the alleged violations of this chapter.

(2) (A) The developer or deployer may cure, within 45 days of receiving the written notice described in paragraph (1), the noticed

1 violation and provide the person who gave the notice an express
2 written statement, made under penalty of perjury, that the violation
3 has been cured.

4 (B) If the developer or deployer cures the noticed violation and
5 provides the express written statement pursuant to subparagraph
6 (A), a claim for injunctive relief shall not be maintained for the
7 noticed violation.

8 22756.10. It shall be unlawful for a deployer or developer to
9 retaliate against a natural person for that person's exercise of rights
10 provided for under this chapter.

11 22756.11. This chapter does not apply to cybersecurity-related
12 technology, including technology designed to detect, protect
13 against, or respond to security incidents, identity theft, fraud,
14 harassment, malicious or deceptive activities or any illegal activity,
15 preserve the integrity or security of systems, or investigate, report,
16 or prosecute those responsible for those actions.

17 22756.12. (a) The rights, remedies, and penalties established
18 by this chapter are cumulative and shall not be construed to
19 supersede the rights, remedies, or penalties established under other
20 laws, including, but not limited to, Chapter 6 (commencing with
21 Section 12940) of Part 2.8 of Division 3 of Title 2 of the
22 Government Code and Section 51 of the Civil Code.

23 (b) *This chapter does not diminish the rights, privileges, or*
24 *remedies of an employee under any other federal or state law or*
25 *under any employment contract or collective bargaining*
26 *agreement.*

27 (c) *This chapter does not authorize any use of automated*
28 *decision systems that may be limited, restricted, or prohibited*
29 *under any other applicable law.*

30 (d) (1) *This chapter does not require the disclosure of trade*
31 *secrets, as defined in Section 3426.1 of the Civil Code.*

32 (2) *If a developer or deployer withholds information pursuant*
33 *to this subdivision, the developer or deployer shall notify the*
34 *relevant entity or natural person and provide a basis for the*
35 *withholding.*

36 SEC. 2. *The Legislature finds and declares that Section 1 of*
37 *this act, which adds Chapter 25 (commencing with Section 22756)*
38 *to Division 8 of the Business and Professions Code, imposes a*
39 *limitation on the public's right of access to the meetings of public*
40 *bodies or the writings of public officials and agencies within the*

1 *meaning of Section 3 of Article I of the California Constitution.*
2 *Pursuant to that constitutional provision, the Legislature makes*
3 *the following findings to demonstrate the interest protected by this*
4 *limitation and the need for protecting that interest:*

5 *In order to protect proprietary information, it is necessary that*
6 *trade secrets disclosed in impact assessments to agencies and*
7 *departments pursuant to Section 1 of this act remain confidential.*

8 ~~SEC. 2.~~

9 *SEC. 3.* No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.