

Chairman

Bill Horn
County Board of
Supervisors

May 2, 2016

Vice Chairman

Sam Abed
Mayor
City of Escondido

TO: Local Agency Formation Commission

FROM: Executive Officer

Members

Dianne Jacob
County Board of
Supervisors

Local Governmental Analyst III

Andrew Vanderlaan
Public Member

SUBJECT: Senate Bill 272 (SB 272) - LAFCO Enterprise System Catalog

Lorie Zapf
Councilmember
City of San Diego

The California Public Records Act (Government Code Section 6250, et seq.) requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. The Public Records Act declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.

Lorraine Wood
Councilmember
City of Carlsbad

Approved on October 11, 2015, Senate Bill 272 (SB 272) adds a section to the California Public Records Act requiring local agencies to create a catalog of Enterprise Systems by July 1, 2016 with annual updates (Government Code Section 6270.5). Refer to Attachment 1.

Jo MacKenzie
Vista Irrigation District

Ed Sprague
Olivenhain Municipal
Water District

Alternate Members

Greg Cox
County Board of
Supervisors

An Enterprise System is defined as a software application or computer system that collects, stores, exchanges and analyzes information that the agency uses that is both of the following:

Chris Cate
Councilmember
City of San Diego

- A multi-departmental system or a system that contains information collected about the public.
- A system of record that serves as an original source of data within an agency.

Racquel Vasquez
Councilmember
City of Lemon Grove

Harry Mathis
Public Member

Per SB 272, an Enterprise System does not include any of the following:

Vacant
Special District

- Information Technology security systems, including firewalls and other cybersecurity systems.
- Physical access control systems, employee identification management systems, video monitoring and other physical control systems.

Executive Officer

Michael D. Ott

Legal Counsel

Michael G. Colantuono

- Infrastructure and mechanical control systems, including those that control or manage street lights, electrical, natural gas or water or sewer functions.
- Systems related to 911 dispatch and operation or emergency services.
- Systems that would be restricted from disclosure by Government Code Section 6254.19.
- The specific records that the information technology system collects, stores, exchanges or analyzes.

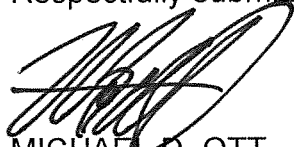
Accordingly, San Diego LAFCO has complied with the requirements of SB 272 by:

1. Creating a catalog of Enterprise Systems, containing the following information:
 - Current system vendor
 - Current system product
 - System's purpose
 - A description of categories or types of data
 - The department that is the prime custodian of the data
 - The frequency that system data is collected
 - The frequency that system data is updated
2. Making the Enterprise System catalog publicly available upon request;
3. Posting the Enterprise System catalog in a prominent location on the agency's website: http://www.sdlafco.org/Webpages/about_lafco.htm
4. Updating the Enterprise System catalog on an annual basis, or as needed.

In conclusion, San Diego LAFCO has complied with the requirements of SB 272 in advance of the legislative deadline of July 1, 2016. Therefore it is **RECOMMENDED**:

1. Review and accept the San Diego LAFCO Enterprise System catalog (Attachment 2); or,
2. Provide additional direction, if necessary.

Respectfully submitted,



MICHAEL D. OTT
Executive Officer



ROBERT BARRY, AICP
Local Governmental Analyst III

MDO:RB:ra

Attachments 1) Senate Bill 272 (chaptered)
2) San Diego LAFCO Enterprise System Catalog



Senate Bill No. 272

CHAPTER 795

An act to add Section 6270.5 to the Government Code, relating to public records.

[Approved by Governor October 11, 2015. Filed with Secretary of State October 11, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 272, Hertzberg. The California Public Records Act: local agencies: inventory.

Existing law, the California Public Records Act, requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. The act declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.

This bill would require each local agency, except a local educational agency, in implementing the California Public Records Act, to create a catalog of enterprise systems, as defined, to make the catalog publicly available upon request in the office of the person or officer designated by the agency's legislative body, and to post the catalog on the local agency's Internet Web site. The bill would require the catalog to disclose a list of the enterprise systems utilized by the agency, and, among other things, the current system vendor and product, unless, on the facts of the particular case, the public interest served by not disclosing that information clearly outweighs the public interest served by disclosure, in which case the local agency may instead provide a system name, brief title, or identifier of the system. Because the bill would require local agencies to perform additional duties, it would impose a state-mandated local program.

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 this purpose.

This bill would make legislative findings to that effect.

Existing constitutional provisions require a statute that limits the right of public access to meetings or writings of public officials to be adopted with findings demonstrating the interest to be protected by that limitation and the need to protect that interest.

This bill would declare that it includes limitations on access, that the interest to be protected is the security of enterprise systems in public agencies, and that the need to protect that interest is that enterprise systems

can contain information that, if released to the public, could result in negative consequences.

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.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) New information technology has dramatically changed the way people search for and expect to find information in California.

(b) This technology has unlocked great potential for government to better serve the people it represents. A recent study estimated that digitizing government data could generate one trillion dollars in economic value worldwide through cost savings and improved operational performance.

(c) California plays a vitally important role in moving our nation forward in the world of technology. Just as the state's thriving tech industry surges ahead in setting new standards for society, so too must California.

(d) As several nations, states, and cities have begun to embrace policies of online access to public sector data, they have enjoyed the benefits of increased operational efficiency and better collaboration. Here in California, cities across the state are turning internally gathered and maintained data into usable information for the public to access and leverage for the benefit of their communities.

(e) In moving government to a more effective digital future, standards should be adopted to ensure that data collection and publication are standardized, including uniform definitions for machine-readable data. Online portals should also be developed to assist with public access to collected data.

(f) With a public sector committed to success in the digital age, the residents and businesses of California will stand to benefit from the greater collaboration and integration, improved accountability, and increased productivity that will result.

(g) In making California government more accessible to the people of the state, paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution requires local governments to comply with the California Public Records Act and with any subsequent statutory enactment amending that act and furthering that purpose.

SEC. 2. Section 6270.5 is added to the Government Code, to read:

6270.5. (a) In implementing this chapter, each local agency, except a local educational agency, shall create a catalog of enterprise systems. The catalog shall be made publicly available upon request in the office of the person or officer designated by the agency's legislative body. The catalog shall be posted in a prominent location on the local agency's Internet Web

site, if the agency has an Internet Web site. The catalog shall disclose a list of the enterprise systems utilized by the agency and, for each system, shall also disclose all of the following:

- (1) Current system vendor.
- (2) Current system product.
- (3) A brief statement of the system's purpose.
- (4) A general description of categories or types of data.
- (5) The department that serves as the system's primary custodian.
- (6) How frequently system data is collected.
- (7) How frequently system data is updated.

(b) This section shall not be interpreted to limit a person's right to inspect public records pursuant to this chapter.

(c) For purposes of this section:

(1) "Enterprise system" means a software application or computer system that collects, stores, exchanges, and analyzes information that the agency uses that is both of the following:

(A) A multidepartmental system or a system that contains information collected about the public.

(B) A system of record.

(2) "System of record" means a system that serves as an original source of data within an agency.

(3) An enterprise system shall not include any of the following:

(A) Information technology security systems, including firewalls and other cybersecurity systems.

(B) Physical access control systems, employee identification management systems, video monitoring, and other physical control systems.

(C) Infrastructure and mechanical control systems, including those that control or manage street lights, electrical, natural gas, or water or sewer functions.

(D) Systems related to 911 dispatch and operation or emergency services.

(E) Systems that would be restricted from disclosure pursuant to Section 6254.19.

(F) The specific records that the information technology system collects, stores, exchanges, or analyzes.

(d) Nothing in this section shall be construed to permit public access to records held by an agency to which access is otherwise restricted by statute or to alter the process for requesting public records, as set forth in this chapter.

(e) If, on the facts of the particular case, the public interest served by not disclosing the information described in paragraph (1) or (2) of subdivision (a) clearly outweighs the public interest served by disclosure of the record, the local agency may instead provide a system name, brief title, or identifier of the system.

(f) The local agency shall complete and post the catalog required by this section by July 1, 2016, and thereafter shall update the catalog annually.

SEC. 3. The Legislature finds and declares that Section 2 of this act, which adds Section 6270.5 to the Government Code, furthers, within the

meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Because increased information about what data is collected by local agencies could be leveraged by the public to more efficiently access and better use that information, the act furthers the purpose of Section 3 of Article I of the California Constitution.

SEC. 4. The Legislature finds and declares that Section 2 of this act limits the public's right of access to public documents within the meaning of paragraph (2) of subdivision (b) of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest and the need for protecting that interest:

(a) The interest protected by this limitation is the security of enterprise systems in public agencies.

(b) The need for protecting that interest is that enterprise systems can contain information that, if released to the public, could result in negative consequences.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

Senate Bill 272

Approved on October 11, 2015, [Senate Bill 272](#) adds a section to the California Public Records Act requiring local agencies to create a [catalog of Enterprise Systems](#) by July 1, 2016 with annual updates.

Enterprise System

An *Enterprise System* is defined as a software application or computer system that collects, stores, exchanges and analyzes information that the agency uses that is both of the following:

- A multi-departmental system or a system that contains information collected about the public.
- A *system of record* that serves as an original source of data within an agency.

An Enterprise System does not include any of the following:

- Information Technology security systems, including firewalls and other cybersecurity systems.
- Physical access control systems, employee identification management systems, video monitoring and other physical control systems.
- Infrastructure and mechanical control systems, including those that control or manage street lights, electrical, natural gas or water or sewer functions.
- Systems related to 911 dispatch and operation or emergency services.
- Systems that would be restricted from disclosure by Government Code Section 6254.19.
- The specific records that the information technology system collects, stores, exchanges or analyzes.

Compliance Requirements

1. Create a [catalog of enterprise systems](#), containing:

- Current system vendor
- Current system product
- System's purpose
- A description of categories or types of data
- The department that is the prime custodian of the data
- The frequency that system data is collected
- The frequency that system data is updated

2. To make the enterprise systems catalog publicly available upon request

3. To post the enterprise systems catalog in a prominent location on the San Diego LAFCO website

Exception

If the public interest served by not disclosing the information described clearly outweighs the public interest served by disclosure, San Diego LAFCO may instead provide a system name, brief title or identifier of the system.

[Enterprise System Catalog \(Click Here\)](#)

12

Attachment 2

San Diego LAFCO Enterprise System Catalog

Enterprise System	LAFCO AX
Public Info Collected	Yes
System of Record	Yes
Last Reviewed Date	1/28/2016
(1) Vendor Company Name	HPES and Wave TSG
(2) System Product Name	Documentum ApplicationXtender
(3) Brief System Purpose (Application Description)	Immutable image file repository for San Diego Local Agency Formation Commission (LAFCO) that houses scanned image records from 1964 through 2010 including public documents related to various project proposals as well as internal departmental records related to payroll, personnel, budgets, etc.
(4) Data Classification (Types of Data)	Both Public and Confidential
(5) Primary Custodian	LAFCO
(6) Frequency of Data Collected	Quarterly
(7) Frequency of Data Updates	Quarterly