

ASSEMBLY BILL

No. 82

Introduced by Assembly Member Ward

December 20, 2024

An act to amend Section 1798.46 of the Civil Code, relating to privacy.

LEGISLATIVE COUNSEL'S DIGEST

AB 82, as introduced, Ward. Information Practices Act of 1977: civil actions.

Existing law, the Information Practices Act of 1977, authorizes an individual to bring an action against an agency, as defined, under specified conditions, including whenever an agency refuses to comply with an individual's lawful request to inspect certain records. The act authorizes a court to enjoin the agency from withholding the records and to order production to the complainant, as specified, and requires the court to assess against the agency reasonable attorney's fees and other litigation costs, as provided.

This bill would make a nonsubstantive change to these provisions.

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

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

- 1 SECTION 1. Section 1798.46 of the Civil Code is amended
- 2 to read:
- 3 1798.46. In any suit brought under the provisions of subdivision
- 4 (a) of Section 1798.45:

1 (a) The court may enjoin the agency from withholding the
2 records and order the production to the complainant of any agency
3 records improperly withheld from the complainant. In such a suit
4 the court shall determine the matter de novo, and may examine
5 the contents of any agency records in camera to determine whether
6 the records or any portion thereof may be withheld as being exempt
7 from the individual's right of access and the burden is on the
8 agency to sustain its action.
9 (b) The court shall assess against the agency reasonable
10 attorney's fees and other litigation costs reasonably incurred in
11 any suit under this section in which the complainant has prevailed.
12 A party may be considered to have prevailed even though ~~he or~~
13 ~~she~~ *the party* does not prevail on all issues or against all parties.