

---

# SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

Senator Bill Dodd

Chair

2019 - 2020 Regular

---

<b>Bill No:</b>	SB 794	<b>Hearing Date:</b>	5/12/2020
<b>Author:</b>	Jackson, et al.		
<b>Version:</b>	2/25/2020 Amended		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Brian Duke		

Due to the COVID-19 Pandemic and the unprecedented nature of the 2020 Legislative Session, all Senate Policy Committees are working under a compressed timeline. This timeline does not allow this bill to be referred and heard by more than one committee as a typical timeline would allow. In order to fully vet the contents of this measure for the benefit of Senators and the public, this analysis includes information from the Senate Energy, Utilities, and Communications Committee and the Senate Judiciary Committee.

**SUBJECT:**Emergency services: telecommunications

**DIGEST:** This bill expands existing authority granted to counties by authorizing cities and postsecondary institutions that receive state funds to access the contact information of residents, students, and employees for the sole purpose of enrolling individuals in a local government-, university-, or college-operated public emergency warning system and provides for notification of enrollment and a process for opting out.

## **ANALYSIS:**

Existing law:

- 1) Establishes the Office of Emergency Services (OES) in the office of the Governor and provides that OES is responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies.
- 2) Authorizes counties to enter into an agreement to access the contact information of resident accountholders through the records of a public utility, or other agency as specified, for the sole purpose of enrolling county residents in a county-operated public emergency warning system, as specified.

- 3) Requires a county, upon the next update to its emergency plan, to integrate access and functional needs into its emergency plan by addressing, at minimum, how the access and functional needs population is served by emergency communications, emergency evacuation for individuals who are dependent on public transportation, and accessible emergency sheltering.
- 4) Permits an authorized employee of a county social services department to disclose the name and residential address of elderly or disabled clients to police, fire, or fire personnel in the event of a public safety emergency that necessitates the possible evacuation of the area in which those elderly or disabled clients reside, as specified.
- 5) Defines “access and functional needs population” as individuals who have developmental or intellectual disabilities, physical disabilities, chronic conditions, injuries, limited English proficiency or who are non-English speaking, seniors, children, people living in institutionalized settings, or those who are low income, homeless, or transportation disadvantaged, including, but not limited to, those who are dependent on public transit or those who are pregnant.

This bill:

- 1) Extends to cities the authorization to enter into agreements to access contact information of public utility resident accountholders for the sole purpose of enrolling residents in a local government-operated public emergency warning system, as specified.
- 2) Authorizes a local government to use its own social services department records or enter into an agreement with a social services department to obtain the contact information for residents from the access and functional needs population and their emergency contacts for the sole purpose of enrolling those persons in a local government operated public emergency warning system.
- 3) Authorizes the governing bodies of a postsecondary institution that receives state funds to access their own enrollment, registration, and personnel records for the sole purpose of enrolling students and employees in a university- or college-operated public emergency warning system.
- 4) Requires a local government or the governing body of a postsecondary institution that receives state funds that operates a public emergency warning system pursuant to this bill to include procedures to enable any covered resident, emergency contact, student, or employee to opt out of the public

emergency warning system and ensure that the confidentiality of the contact information is protected under reasonable security procedures, as specified.

- 5) Defines “contact information” as a person’s name, address, telephone number, and email address.

## **Background**

*Purpose of the bill.* According to the author’s office, “many jurisdictions in California rely on their own locally operated telephonic emergency notification systems in order to communicate with residents during an emergency. These systems can send pre-recorded messages to landline telephones located within a defined target area, as well as text and voice alerts to mobile telephones. Given the unique ability to target alerts using physical addresses, locally operated telephonic notification systems are among the most precise emergency notification systems in use today, but because registration of mobile phones was not until recently an automatic process, many jurisdictions struggled to get residents to sign up to receive alerts.”

Further, the author’s office states that, “SB 794 helps ensure that more California residents will receive critical emergency alerts by expanding California’s opt-out emergency notification program to include cities and universities, and by clarifying that alerting authorities may use wireless telephone subscriber data to enroll residents in local alerting systems. This bill maintains the existing restrictions that prevent alerting authorities from using personal information gathered for enrollment in a notification system for any other purpose, and ensures that residents who do not wish to receive alerts have the opportunity to opt-out. This bill also authorizes county social service departments to share emergency contact information with alerting authorities so that specialized alerts may be sent to residents with access or functional needs who may need extra instruction or assistance during an emergency.”

*Local Emergency Alert Systems.* For generations, emergency alerts have been sent over television and radio broadcasts, but anyone not watching or listening is unable to receive the critical and possibly life-saving information. Today, multiple mechanisms exist at the local level for alerting the public about emergencies and disasters. These systems vary widely in their use of technology, use of public and private resources, and mechanisms for sending alerts. Emergency alert systems can include, but are not limited to, warning sirens, reverse 911 calls, television and radio broadcasts (Emergency Alert System (EAS)), wireless telephone alert broadcasts (Wireless Emergency Alerts (WEA)), and the use of private sector vendors such as Everbridge/Nixle that supply emergency alert calls, texts, and

other notifications using contact information supplied by local agencies. Each county can determine what mechanism it will use to send emergency alerts.

SB 821 (Jackson, Chapter 615, Statutes of 2018) authorized counties to enter into an agreement to access the contact information of resident accountholders through the records of a public utility for the sole purpose of enrolling county residents in a county-operated public emergency warning system. This bill expands that authority to cities, and authorizes the governing bodies of a postsecondary institution that receives state funds, including funds for student financial assistance, to access their own enrollment, registration, and personnel records for the sole purpose of enrolling students and employees in a university- or college-operated public emergency warning system.

The expanded authorizations included in this bill are accompanied by requirements that local governments and postsecondary institutions notify enrollees that they have been enrolled in the public emergency warning system including a process to opt out of the warning system and to terminate the local government's access to the contact information. For purposes of this bill, "contact information" means a person's name, address, telephone number, and email address.

*Access and functional needs population.* Existing law requires each county, upon the next update to its emergency plan, to integrate access and functional needs into its emergency plan by addressing, at a minimum, how the access and functional needs population is served by emergency communications, emergency evacuation for individuals who are dependent on public transportation, and accessible emergency sheltering. This bill requires each county, upon the next update to its emergency plan regarding the integration of access and functional needs to include representatives from the access and functional needs population including, but not limited to, social service agencies, nonprofit organizations, and transportation providers.

Additionally, this bill authorizes local governments to enter into an agreement with a, or use the records of its own, social services department to access the contact information of persons from the access and functional needs population for the sole purpose of enrolling those individuals in a local-government operated public emergency warning system, and includes notification and disenrollment procedures for residents.

*Additional information provided by the Senate Judiciary Committee.* This bill contains various provisions that are within the jurisdiction of the Senate Judiciary Committee as they deal with access to and the use and disclosure of the personal information of Californians. Privacy is a fundamental right in California, explicitly

enshrined in article I, section 1 of the California Constitution. Recognizing that personal information handed over by Californians to various governmental entities and other institutions can be sensitive, California law establishes guidelines and limitations on access to and use of this type of information, ensuring its due protection.

This bill presents us with the issue of balancing the important government interests in protecting the privacy of Californians with ensuring the health and safety of our communities in the event of an emergency. In order to mitigate any impact on the privacy interests of those affected by this bill, the author includes a number of protective measures. For instance, the bill requires the postsecondary institutions and governmental entities to protect the personal information accessed by implementing reasonable security procedures. Further, the bill requires that the affected residents, contacts, employees, or students be given the ability to opt out of the emergency systems, and to a certain extent, to have the entity's access to the information restricted. In most instances, the affected Californians will also be explicitly notified that they have been enrolled in the systems. The bill also strictly limits use of the accessed information to emergency notification purposes

### **Prior/Related Legislation**

AB 477 (Cervantes, Chapter 218, Statutes 2019) required counties to include representatives from the access and functional needs population in the next update to their emergency plan.

SB 46 (Jackson, 2019) was substantially similar to this bill and would have authorized cities, the California State University, the University of California, and the community college districts to access contact information, as specified, for the sole purpose of enrollment in a public emergency warning system; and would have required the California Public Utilities Commission to collect and report to the Legislature specified information from telecommunications service providers relating to the performance of public emergency warning systems, as specified. (Held in the Senate Appropriations Committee)

AB 1877 (Limón, Chapter 630, Statutes of 2018) required OES to create a library of translated emergency notifications and a translation style guide, as specified, and required designated alerting authorities to consider using the library and translation style guide when issuing emergency notifications to the public.

SB 821 (Jackson, Chapter 615, Statutes of 2018) authorized counties to enter into an agreement to access the contact information of resident accountholders through

the records of a public utility, as defined, for the sole purpose of enrolling county residents in a county-operated public emergency warning system.

SB 833 (McGuire, Chapter 617, Statutes of 2018) required OES, in consultation with specified stakeholders, to develop voluntary guidelines for alerting and warning the public of an emergency, and requires OES to develop an alert and warning training, as specified.

AB 2311 (Brown, Chapter 520, Statutes of 2016) required each county to integrate access and functional needs into its emergency plan upon the next update.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: Yes

**SUPPORT:**

AARP California  
Disability Rights California  
Oakland Privacy  
Santa Barbara Women's Political Committee  
University of California  
Ventura County Board of Supervisors

**OPPOSITION:**

None received

**ARGUMENTS IN SUPPORT:** The Santa Barbara Women's Political Committee writes that "SB 794 is an important step forward in allowing cities and universities to automatically enroll residents in their emergency alert systems, while allowing them to opt out of receiving the notifications. It also allows local governments to identify residents with access and functional needs for the purpose of sending them specialized emergency alerts."