

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1577 (Bauer-Kahan)
Version: June 11, 2026
Hearing Date: June 30, 2026
Fiscal: Yes
Urgency: No
ME

SUBJECT

Data centers: reporting

DIGEST

This bill, as proposed to be amended, requires the owner of a data center to report specified information to the California Energy Commission (CEC). The bill requires the owner or developer of a data center, upon applying for a discretionary permit, entitlement, or land use authorization required for the construction or operation of the data center, to submit to the applicable local agency, as defined, specified information, including the expected annual energy consumption, as specified, and the expected sound levels attributable to the operation of the data center, as provided. This analysis is based on the bill with amendments that were agreed upon in the Senate Committee on Energy, Utilities and Communications and that are reflected in the mock-up at the end of this analysis.

EXECUTIVE SUMMARY

The author brings this bill to give state and local agencies information so they can better evaluate the impact of data centers on California's power grid and the impact they have on the price of energy and the lives of people located near the facilities. The author notes that the rapid development of the AI industry¹ is leading to increased construction of data centers in California,² which require large amounts of electricity. As noted in the Senate Committee on Energy, Utilities and Communications analysis of

¹ Taiba Jafari, et al, *Projecting the Electricity Demand Growth of Generative AI Large Language Models in the US*, Center on Global Energy Policy, (Jul. 17, 2024), available at <https://www.energypolicy.columbia.edu/projecting-the-electricity-demand-growth-of-generative-ai-large-language-models-in-the-us/>.

² Dan Swinhoe, *PG&E: 3.5GW of data center capacity in California's connection pipeline over next five years*, Data Center Dynamics, (Jun. 24, 2024), available at <https://www.datacenterdynamics.com/en/news/pge-35gw-of-data-center-capacity-in-connection-pipeline-over-next-five-years/>.

AB 222 (Bauer-Kahan, 2025), “[f]ive of the anticipated facilities serving OpenAI could collectively use more electricity than three million households.”³

This bill requires the CEC to establish a process for the owner of a data center to submit specified information to the CEC, including, among other information, the data center’s location and size, the data center’s power usage effectiveness, and the quantity of fuel consumed by onsite generators or other fuel-based energy systems. The CEC would be required, beginning with the 2029 integrated energy policy report (IEPR), and in subsequent biennial reports, to include an assessment of electrical load trends for data centers and to annually publish the information submitted in an anonymized and aggregated format on its website.

The bill also requires an owner or developer of a data center, upon applying for a discretionary permit, entitlement, or land use authorization required for the construction or operation of the data center, to submit specified information to the applicable local agency including the expected annual energy consumption and the expected sound levels attributable to the operation of the data center. The CEC and local agencies would be prohibited from disclosing the information in a manner that would result in the disclosure of identifiable information or energy consumption data for a data center customer. The CEC would also be required to establish a process for the owner of a data center to obtain an exemption from reporting data that would jeopardize trade secrets if disclosed.

This bill is author-sponsored and supported by the California State Association of Counties, the Greenlining Institute, the Little Hoover Commission, the Union of Concerned Scientists, and other organizations that support data center transparency. The bill is opposed by the California Chamber of Commerce, TechNet, the Silicon Valley Leadership Group, and other business and technology organizations. This bill was passed by the Senate Committee on Energy, Utilities and Communications with a vote of 13 to 4. Because of timing issues, the bill was approved with amendments to be adopted in this Committee. The amendments are reflected in the mock-up at the end of this analysis. This analysis is based on the bill with the agreed upon amendments reflected in the mock-up. Should AB 1577 pass this Committee, it will then be referred to the Senate Appropriations Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Requires the California Energy Commission (CEC) to adopt an integrated energy policy report (IEPR) every two years, with an update published every year. Existing

³ Sen. Comm. on Energy, Util. and Communications analysis of AB 222 (2025-26 reg. sess.) as amended May 23, 2025 at p. 3.

law specifies the contents of the IEPR and requires the CEC to report on major energy trends in the IEPR, including assessments of statewide electricity, natural gas, and transportation fuel demands. (Pub. Resources Code § 25302.)

- 2) Governs the disclosure of information collected and maintained by public agencies pursuant to the California Public Records Act (CPRA). (Gov. Code §§ 7920.000 et seq.)
 - a) States that the Legislature, mindful of the individual right to privacy, finds and 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. (Gov. Code § 7921.000.)
 - b) Defines "public records" as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. (Gov. Code § 7920.530.)
 - c) Provides that all public records are accessible to the public upon request, unless the record requested is exempt from public disclosure. (Gov. Code § 7922.530.)
- 3) Provides, pursuant to the California Constitution, that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny. (Cal. const. art. I, § 3(b)(1).)
 - a) Requires a statute to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. (Cal. const. art. I, § 3(b)(1).)
 - b) Requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)
- 4) Provides that, under the CPRA, records are exempt from disclosure if their disclosure is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege. (Gov. Code § 7927.705.)
- 5) Provides that if their agent or employee claims the privilege, the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice. (Ev. Code § 1060.)
- 6) Protects trade secrets through the Uniform Trade Secrets Act. (Civ. Code §§ 3426-3426.11.)

- 7) Provides that under the Uniform Trade Secrets act, “trade secret” means information, including a formula, pattern, compilation, program, device, method, technique, or process, that: derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. (Civ. Code § 3426.1 (d).)

This bill:

- 1) Requires the CEC to establish a process for the owner of a data center, as defined, to submit specified information to the CEC, including, among other information, the data center’s location and size, the data center’s power usage effectiveness, as defined, and the quantity of fuel consumed by onsite generators or other fuel-based energy systems, as specified.
- 2) Requires the owner of a data center to submit the required information in the manner and timeframe specified by the CEC.
- 3) Requires the CEC, beginning with the 2029 IEPR, and in subsequent biennial reports, to include an assessment of electrical load trends for data centers, as provided.
- 4) Requires the CEC to annually publish the information submitted in an anonymized and aggregated format on its website.
- 5) Requires the owner or developer of a data center, upon applying for a discretionary permit, entitlement, or land use authorization required for the construction or operation of the data center, to submit to the applicable local agency, as defined, specified information, including the expected annual energy consumption, as specified, and the expected sound levels attributable to the operation of the data center, as provided.
- 6) Authorizes the local agency to use this information for various purposes, including, but not limited to, land use planning, infrastructure planning, energy supply assessment, and environmental review.
- 7) Prohibits the CEC or a local agency from disclosing the information described above in a manner that would result in the disclosure of identifiable information or energy consumption data for a data center customer, except as provided.
- 8) Requires the CEC to establish a process for the owner of a data center to obtain an exemption from reporting data that would jeopardize trade secrets if disclosed.

COMMENTS

1. Stated need for the bill

According to the author:

The rapid growth of the artificial intelligence (AI) industry is driving the construction of large, energy-intensive data centers across California. Increased energy demand, combined with grid infrastructure development needed to serve these facilities, risks increasing energy costs for Californians. At present, California lacks accurate statewide information on how many data centers exist, where they are located, how much energy they consume, how efficiently they operate, and how they affect California's power grid. This limits the ability of state and local agencies to plan infrastructure, evaluate efficiency opportunities, and protect ratepayers. AB 1577 closes this information gap by requiring data centers to report specified energy usage and efficiency information to the California Energy Commission on a monthly basis, and by requiring proposed data centers to provide estimated information to local agencies prior to beginning construction.

2. Access to public records is a statutory and constitutional right

This bill limits the access to public records by providing that data center energy consumption can be reported in the aggregate, but not in a manner that would result in the disclosure of personally identifiable information or energy consumption data for a specific utility customer.

Access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code § 7921.000.) In 2004, the right of public access was enshrined in the California Constitution with the passage of Proposition 59 (Nov. 3, 2004, statewide general election),⁴ which amended the California Constitution to specifically protect the right of the public to access and obtain government records: "The people have the right of access to information concerning the conduct of the people's business, and therefore . . . the writings of public officials and agencies shall be open to public scrutiny." (Cal. Const., art. I, sec. 3 (b)(1).) In 2014, voters approved Proposition 42 (Jun. 3, 2014, statewide direct primary election)⁵ to further increase public access to government records by requiring local agencies to

⁴ Prop. 59 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 1 (Burton, Ch. 1, Stats. 2004).)

⁵ Prop. 42 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 3 (Leno, Ch. 123, Stats. 2013).)

comply with the CPRA and the Ralph M. Brown Act⁶, and with any subsequent statutory enactment amending either act, as provided. (Cal. Const., art. I, sec. 3 (b)(7).)

Under the CPRA, public records are open to inspection by the public at all times during the office hours of the agency, unless they are exempt from disclosure. (Gov. Code § 7922.525.) Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law. (Gov. Code § 7922.525 (b).) A public record is defined as any writing containing information relating to the conduct of the public's business that is prepared, owned, used, or retained by any public agency regardless of physical form or characteristics. (Gov. Code § 7920.530.) There are several general categories of documents or information that are permissively exempt from disclosure under the CPRA essentially due to the character of the information. The exempt information can be withheld by the public agency with custody of the information, but it also may be disclosed if it is shown that the public's interest in disclosure outweighs the public's interest in non-disclosure of the information. (*CBS, Inc. v. Block* (1986) 42 Cal.3d 646, at 652.). Additionally, some records are prohibited from disclosure or are specifically stated to not be public records. (*see* Gov. Code § 7924.110 (a).)

California generally recognizes that public access to information concerning the conduct of the people's business is a fundamental and necessary right.⁷ At the same time, the state recognizes that this right must be balanced against the right to privacy.⁸ The general right of access to public records may, therefore, be limited when records include personal information. The bill provides that the CEC or a local agency shall not disclose information submitted pursuant to this bill in a manner that would result in the disclosure of identifiable information or energy consumption data for a specific data center customer. The bill states that this limitation on access to public records is needed to protect the confidential and proprietary information of an entity subject to the bill.

Opponents of this bill are concerned that their obligation to share information with the CEC and local agencies will result in exposure of their trade secrets, notwithstanding the fact that trade secrets are protected from disclosure through the CPRA. Under the CPRA, records are exempt from disclosure if their disclosure is "exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege." (Gov. Code § 7927.705.) Evidence Code Section 1060 provides that if their "agent or employee claims the privilege, the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice. The Uniform Trade Secrets Act (Act) is found in Civil Code sections 3426-3426.11. Under the Act, "trade secret" means information, including a

⁶ The Ralph M. Brown Act is the open meetings laws that applies to local agencies. (Gov. Code §§ 59450 et. seq.)

⁷ Cal. Const., art. I, § 3; Gov. Code, § 7921.000.

⁸ Cal. Const., art. I, § 1.

formula, pattern, compilation, program, device, method, technique, or process, that: (1) derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. (Civ. Code § 3426.1 (d).)

The bill also contains a provision that requires the CEC to establish a process for the owner of a data center to obtain an exemption from reporting data pursuant to the reporting requirements of this bill “that would jeopardize trade secrets if disclosed.” As an additional protection for those with obligations to report, the bill explicitly provides that the disclosure or sharing of information pursuant to this bill “does not constitute a waiver of any attorney-client privilege, work product protection, or trade secret protection that might otherwise exist with respect to the information.”

To ensure the provisions of this bill are not used to avoid reporting obligations pursuant to other laws, the bill specifies that it “does not supersede, preempt, or otherwise limit any reporting, disclosure, or public access requirements imposed by any other law or regulation, including requirements to report the same information to the same public entities.” The bill also specifies that any “designation or labeling of information submitted pursuant to” the reporting requirements of this bill “as confidential, proprietary, or otherwise restricted” through this bill, “shall not require the same designation or labeling of that information pursuant to any other law or regulation.”

3. Support

According to the Little Hoover Commission in support of the bill:

The Little Hoover Commission is pleased to support AB 1577, which would require the State Energy Resources Conservation and Development Commission to establish a process for monthly reporting by data center owners of specified operational information, including power usage effectiveness, water usage effectiveness, total water consumption, and fuel consumed by onsite generators. It also would require the Commission to publish information in anonymized and aggregated form and assess data center electrical load trends into a future Integrated Energy Policy Report.

In its 2026 report, *Data Centers and California Electricity Policy*, the Commission found that rapid data center growth has significant implications for grid reliability, infrastructure planning, water use, and community health. Regulators need access to essential, confidential facility-level information to better understand how individual facilities interact with the grid, affect local reliability, and contribute to infrastructure costs in order to protect communities and ratepayers, and plan responsibly for future needs. The

Commission recommended the state enable regulators to confidentially access essential facility-level electricity-use data from large data centers, supported by structured data-sharing among agencies, to improve planning, assess localized impacts, and ensure fair cost responsibility while protecting sensitive business information.

AB 1577 would implement this recommendation by establishing a structured reporting framework that supports more accurate grid planning, informed environmental review, and comprehensive assessment of data center operational trends.

According to the Union of Concerned Scientists in support of AB 1577:

In light of the state's growing energy affordability crisis, UCS believes it will be vital for the state to adopt a broad set of timely proposals that work cohesively toward building a less costly, and more sustainable electric grid. AB 1577 seeks to address one specific subset- the growing concern regarding the future potential strain of data centers on the grid and current lack of available data on these entities.

According to UCS analysis, anticipated data center growth in California is expected to be in the realm of 2 gigawatts by 2030, and 4 gigawatts by 2040- a truly significant amount of new load. However, as the data center industry continues to grow in California, state and local policymakers have very little information about the operations of existing data centers. This lack of transparency makes it more difficult for state policymakers to plan the power grid and for local policymakers to assess the ongoing impacts of data centers on their communities. Without access to relevant information on data center energy usage, such as the quantity of electricity generated and consumed onsite, the types of fuel and energy storage utilized, and the maximum electrical load of the data center, policymakers will be left in the dark when faced with critical decisions related to data centers in California.

AB 1577 seeks to close the gap in needed data and require monthly reporting by eligible data centers to the CEC, as well as require submittal of specified information to local entities to be considered prior to construction. UCS strongly supports the additional reporting requirements in AB 1577, which will help ensure data center grid impacts are not detrimental to the reliability or affordability of energy for residential ratepayers, or to the state's clean energy goals.

However, to ensure the most comprehensive reporting possible, we would urge the author and committee to consider amendments that require the sharing of data related to water consumption of data centers. Information about

anticipated and actual water consumption at data centers is also not readily available, but water consumption at data centers could have similar detrimental impacts to local communities and water ratepayers.

4. Opposition

In opposition to the bill, the California Chamber of Commerce writes:

AB 1577 establishes a high-frequency, highly intrusive reporting regime that imposes significant compliance burdens, exposes sensitive operational information, and creates real security risks without a clear demonstration of commensurate policy benefit. [. . .]

AB 1577 frames itself as a tool for the California Energy Commission (CEC) to assess load trends for the Integrated Energy Policy Report (IEPR). However, AB 1577 moves well beyond IEPR's long-term planning by requiring data center operators to submit *highly granular information on a monthly basis for individual facilities*. California's energy planning processes are designed to evaluate system-wide needs and forecasted demand; they do not rely on month-to-month operational fluctuations of individual facilities.

AB 1577 reaches deep into the operational profile of each facility by requiring data center operators to continuously track and report numerous metrics as diverse as average intake air temperature setpoints for IT equipment, power usage effectiveness, types of refrigerants used for cooling, quantity of onsite generation, and cumulative cooling degree days for the data center. Requiring continuous monthly submissions of complex datasets will significantly increase administrative burden and compliance costs without improving the long-term planning outcomes the IEPR is designed to support.

The level of detail AB 1577 seeks to collect is concerning in that many of these data points are core operational parameters. Collectively, this information can be used to infer critical aspects of facility operations, including engineering design, technology configurations, performance optimization choices, and workload characteristics.

This raises serious concerns regarding the exposure of trade secrets and competitively sensitive information. Although the bill includes provisions related to confidentiality, those protections are limited. The statute explicitly does not override other disclosure requirements and allows for information sharing across agencies. This creates a significant legal gray area where a Public Records Act requests could be used to access competitors' sensitive data. Even when data is published in aggregated or anonymized form, there remains a risk that it can be combined with other publicly available information to identify

individual facilities or derive sensitive insights. The result is a regulatory framework that compels disclosure of highly sensitive proprietary information without providing adequate safeguards.

Additionally, by mandating the reporting of such detailed facility characteristics, AB 1577 effectively requires the creation of a comprehensive operational “fingerprint” for covered facilities. When combined, these data points reveal how a facility is designed, operated, and optimized – information that is highly sensitive from both a competitive and security perspective. In an era of increasing cyber and physical threats to critical infrastructure, the aggregation and potential dissemination of this information introduces unnecessary and avoidable risk. Facilities subject to this bill support essential digital services, and policies that increase their exposure to targeting, exploitation, or disruption should be approached with extreme caution.

SUPPORT

Ava Community Energy
California Initiative for Technology and Democracy
California State Association of Counties
Climate Reality Project, California Coalition
Greenlining Institute
Little Hoover Commission
Union of Concerned Scientists

OPPOSITION

Bay Area Council
California African American Chamber of Commerce
CalAsian Chamber of Commerce
California Broadband & Video Association
California Chamber of Commerce
California Hispanic Chambers of Commerce
California Manufacturers and Technology Association
Data Center Coalition
Silicon Valley Leadership Group
TechCA
TechNet

RELATED LEGISLATION

Pending legislation: SB 222 (Bauer-Kahan, 2025) would have required the California Public Utilities Commission (CPUC) to establish a process for the owner of a data center to submit the power usage effectiveness ratio for the data center to the CPUC. The bill also would have required the CPUC to assess the extent to which electrical corporation

costs associated with new loads from data centers result in cost shifts to other electrical corporation customers. SB 222 was held under submission in the Senate Appropriations Committee.

Prior legislation: None known.

PRIOR VOTES:

Senate Energy, Utilities and Communications Committee (Ayes 13, Noes 4)

Assembly Floor (Ayes 57, Noes 16)

Assembly Appropriations Committee (Ayes 11, Noes 4)

Assembly Natural Resources Committee (Ayes 9, Noes 4)

Assembly Utilities and Energy Committee (Ayes 13, Noes 5)

**PROPOSED AMENDMENTS TO ASSEMBLY BILL NO. 1577
AS AMENDED IN SENATE JUNE 11, 2026**

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

SECTION 1. Section 25245 is added to the Public Resources Code, to read:

25245. (a) For purposes of this section and Sections 25246 and 25247, all of the following definitions apply:

- (1) "Applicable local agency" means a city, county, or city and county that has discretionary land use or permitting authority over the construction or operation of a data center.
- (2) (A) "Cooling degree day" means the number of degrees by which the average outdoor air temperature for a given day exceeds 65 degrees Fahrenheit.
(B) If the average outdoor air temperature for a given day does not exceed 65 degrees Fahrenheit, the number of cooling degree days for that day shall be zero.
- (3) (A) "Data center" ~~means~~ *means, except as provided in subparagraph (B),* a facility, or part of a facility, that houses computing infrastructure, including graphics and central processing units, servers, storage devices, networking equipment, and associated power and cooling systems, for the primary purpose of processing, storing, or distributing electronic data.
(B) "Data center" does not include ~~a~~ *either of the following:*
 - (i) A facility with an installed information technology equipment electrical capacity of less than ~~500 kilowatts.~~ *10 megawatts.*
 - (ii) A publicly funded research facility, public safety facility, publicly funded national security facility, publicly owned facility, or other utility facility, including, but not limited to, a facility operated for the purpose of providing telecommunications services to the public by a terrestrial facilities-based telecommunications provider.
- (4) "Owner" means the individual or entity responsible for overseeing the entire data center facility, regardless of the individual parties that may rent or host equipment at the facility.
- (5) "Power usage effectiveness" means a ratio of the total energy consumption of a data center to the energy specifically used by the information technology equipment housed in that data center.
(b) (1) The commission shall establish a process for the owner of a data center to submit all of the following information to the commission upon energization of the data center and following any substantive change to information previously submitted pursuant to this paragraph:
 - (A) The name of the data center.
 - (B) Any physical addresses associated with the operation of the data center.
 - (C) The name of, and contact information for, the owner and operator of the data center.
 - (D) The year and month that the data center began operating.
 - (E) The total floor area of the data center, expressed in square feet.
 - (F) The floor area of the data center occupied by information technology equipment, expressed in square feet.

(G) The anticipated electrical peak capacity of the data center, as submitted per the load interconnection request.

(H) The anticipated quantity of electricity generated and consumed onsite, separated by generation type.

(2) The commission shall establish a process for the owner of a data center to submit all of the following information to the commission ~~on a monthly basis~~ *at least annually* following energization:

(A) (i) The maximum electrical load of the data center.

(ii) The installed information technology electrical capacity of the data center, expressed in kilowatts.

(iii) The total energy consumption of the data center, expressed in kilowatthours.

(iv) The power usage effectiveness of the data center.

(v) Whether the data center participated in any demand flexibility programs, and the name and level of participation in each program.

(B) (i) The quantity of waste heat reused by the data center, expressed in kilowatthours.

(ii) The average waste heat temperature of the data center, expressed in degrees Fahrenheit.

(iii) The average intake air temperature setpoint for information technology equipment, expressed in degrees Fahrenheit.

(iv) Which types of refrigerants are used to cool information technology equipment.

(v) Cumulative cooling degree days for the data center.

(C) (i) The quantity of electricity generated and consumed onsite, separated by generation type, expressed in kilowatthours.

(ii) The quantity of fuel consumed by onsite generators or other fuel-based energy systems, separated by fuel type.

(iii) The energy storage type, capacity, and chemistry, if any are used onsite.

~~(iv) The quantity of electricity associated with renewable energy credits, identified by portfolio content category pursuant to Section 399.16 of the Public Utilities Code.~~

(3) The owner of a data center shall submit the required information to the commission in a manner *and timeframe* specified by the commission. The commission shall aim to establish reporting requirements that do both of the following:

(A) Reduce duplicate filings and facilitate the submission of substantially similar information.

(B) Account for reasonable delays in the owner's ability to obtain information necessary to complete the required submission from a load-serving entity, as defined in Section 380 of the Public Utilities Code, energy service provider, or intermediary.

(c) Beginning with the 2029 ~~edition of the integrated energy policy report~~ required pursuant to *subdivision (a) of Section 25302*, and in subsequent ~~editions thereafter~~ *as determined by the commission*, *biennial reports required pursuant to subdivision (a) of Section 25302 thereafter*, the commission shall include an assessment of electrical load trends for data centers. This assessment shall include all of the following:

(1) A projection of future load trends from data centers.

(2) Identification of potential net peak load demands.

(3) Recommendations for mitigating data center electricity consumption impacts on grid capacity, grid reliability, and greenhouse gas emissions, including any recommended energy efficiency and demand response measures.

(d) The commission shall annually publish the information submitted pursuant to subdivision (b) in an anonymized and aggregated format on its internet website.

SEC. 2. Section 25246 is added to the Public Resources Code, to read:

25246. (a) Upon applying for a discretionary permit, entitlement, or land use authorization required for the construction or operation of a data center, the owner or developer of the data center shall submit to the applicable local agency an estimate of all of the following information, to the extent applicable to the proposed facility:

(1) The expected annual energy consumption of the data center, expressed in kilowatthours.

(2) The expected annual quantity of electricity generated onsite, separated by generation type, expressed in kilowatthours.

(3) The expected average and maximum sound levels attributable to the operation of the data center, expressed in A-weighted decibels, measured at the point along the property boundary where the average sound level attributable to the operation of the data center is highest.

(b) The information submitted pursuant to subdivision (a) shall be based on the best available estimates at the time of submission.

(c) A local agency may use the information submitted pursuant to this section for various purposes, including, but not limited to, land use planning, infrastructure planning, energy supply assessment, and environmental review.

SEC. 3. Section 25247 is added to the Public Resources Code, to read:

25247. (a) (1) The commission or a local agency shall not disclose information submitted pursuant to Section 25245 or 25246 in a manner that would result in the disclosure of identifiable information or energy consumption data for a specific data center customer.

(2) *The commission shall establish a process for the owner of a data center to obtain an exemption from reporting data pursuant to Sections 25245 and 25246 that would jeopardize trade secrets if disclosed.*

(b) Subdivision (a) does not supersede, preempt, or otherwise limit any reporting, disclosure, or public access requirements imposed by any other law or regulation, including requirements to report the same information to the same public entities.

(c) Any designation or labeling of information submitted pursuant to subdivision (b) of Section 25245 or Section 25246 as confidential, proprietary, or otherwise restricted for purposes of this section shall not require the same designation or labeling of that information pursuant to any other law or regulation.

(d) The disclosure or sharing of information pursuant to subdivision (b) of Section 25245 or Section 25246 does not constitute a waiver of any attorney-client privilege, work product protection, or trade secret protection that might otherwise exist with respect to the information.

SEC. 4. The Legislature finds and declares that Section 3 of this act, which adds Section 25247 to the Public Resources Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning 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 protected by this limitation and the need for protecting that interest: In order to protect the confidential and proprietary information of an entity subject to Section 3 of this act, it is necessary that this act limit the public's right of access to that information.

O