SENATE COMMITTEE ON APPROPRIATIONS
Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 302 (Bauer-Kahan) - Data brokers: elected officials and judges

Version: July 17, 2025	**Policy Vote:** JUD. 11 - 0
Urgency: No	**Mandate:** No
Hearing Date: August 18, 2025	**Consultant:** Liah Burnley

Bill Summary: AB 302 requires specified businesses and government entities to delete personal information of elected officials and judges, as specified.

Fiscal Impact:

- California Privacy Protection Agency (CPPA) anticipates requiring a $2.5 million contract for the first year and $500,000 ongoing with costs totaling: $3,491,000 in budget year and $1,451,000 ongoing (Data Broker Registry Fund, General Fund). Using funds from the Data Broker Registry Fund to cover these costs would require a significant increase in the data broker registration fees in January 2026. The CPPA will require an estimated $2.5 million for the first year and authorization to be exempt from the Public Contract Code competitive bidding requirements to collect the names and profile information of state and local elected officials by the March 2026 deadline, and to add a push notification feature to the accessible deletion mechanism by August 2026. Additionally, the CPPA will require $500,000 ongoing to collect the names and profile information of state and local elected officials following each election. For context, the state of New Jersey has enacted a similar law that allows covered individuals to submit requests to private, non-governmental websites to have their residential information taken down. That law created an office within the New Jersey Department of Community Affairs, called the Office of Information Privacy (OIP), to process these requests. OIP's budget for FY 2026 is approximately $3 million, with a headcount of four.[1] The OIP has processed approximately 10,000 requests since it was established in 2022.[2] CPPA staff estimates that this bill would cover approximately 25,000 state and local elected officials, and a much broader set of protected personal information, which could include name, date of birth, zip code, email, phone number, mobile advertising ID, and vehicle information number. The CPPA estimates that it would need the following 5 permanent positions:

    - Staff Services Manager III and 2 Associate Governmental Program Analysts (AGPAs) to gather names and profile information from elected officials every year for submissions to the accessible deletion mechanism;

    - 1 AGPA in the Enforcement Division to coordinate requests with the Legal Division, judges, other requesters and to monitor and track any private enforcement efforts; and,

    - 1 Attorney III to investigate potential violations and bring enforcement actions.

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[1] https://pub.njleg.state.nj.us/bills/2024/AL25/74_.PDF
[2] https://www.nj.gov/dca/news/news/2025/approved/20250428.shtml

- The Judicial Council anticipates minor and absorbable costs associated with collecting providing information on judges to the CPPA, as required by this bill.

- Unknown, potentially significant costs to the state funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate civil actions. Creating a new private cause of action that allows for the recovery of attorney's fees and potentially punitive damages, and by authorizing a new civil enforcement by state and local prosecutors, may lead to additional case filings that otherwise would not have been commenced. Expanding civil penalties and creating new causes of action could lead to lengthier and more complex court proceedings with attendant workload and resource costs to the court. The fiscal impact of this bill to the courts will depend on many unknowns, including the number of cases filed and the factors unique to each case. An eight-hour court day costs approximately $10,500 in staff in workload. This is a conservative estimate, based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations.

Background: The purpose of this bill is to provide enhanced protections for elected officials and judicial officers by requiring the CPPA and Judicial Council to collect their information and to request to specified businesses and government agencies of delete their personal information. While this bill a noble response to the targeted killings of elected officials in Minnesota, does cloaking public officials in a veil of secrecy undermine the core values of democracy?

Proposed Law:

- Requires, on or before March 1, 2026, the CPPA to obtain a list of all state and local elected officials, which shall serve as each elected official's request to delete the elected official's personal information. The list shall include each elected official's name and other profile data, as defined by the CPPA, that has been shared voluntarily by the elected official.

- Requires the CPPA to provide each elected official an opportunity to request that the elected official's name and profile data be removed from the list.

- Provides, following the certification of a final election, the CPPA shall comply with these provisions with respect to each newly elected official.

- Requires the Judicial Council to provide the California Privacy Protection Agency with a list of all California judges, which shall serve as each judge's request to delete the judge's personal information. The list shall include each judge's name and other profile data, as defined by CPPA, that has been shared voluntarily by the judge.

- States that, before providing the list to the CPPA, the Judicial Council shall provide each judge an opportunity to request that the judge's name and profile data be

removed from the list. The list submitted to CPPA shall only include those judges that did not request to be removed from the list.

- Requires the Judicial Council shall provide an updated list after the appointment or election of any additional judge.

- Requires, after receipt of the lists required by this section, the CPPA, to upload the lists to the accessible deletion mechanism, as specified.

- Provides, beginning August 1, 2026, an entity receiving a notification that a deletion is required shall do so within five days.

- Requires any information shared to be in a secure and confidential exchange. The lists and the information in the lists shall be confidential and not subject to disclosure under the California Public Records Act.

- States that an elected official or judge who is on a list, the Attorney General, a county counsel, or a city attorney may bring an action for a violation for any of the following relief:

  o Declaratory relief;

  o Injunctive relief;

  o Reasonable attorney's fees;

  o Actual damages; and,

  o In addition to the other relief, if a court finds that an entity willfully refused to provide for deletion as required, punitive damages.

Staff Comments: This bill seeks to protect government officials by establishing a process to have their information deleted from data brokers. However, as currently drafted the bill has substantial issues related to process, verification, and technical feasibility. The CPPA has indicated to staff that this bill be could be amended to place another entity in charge of developing and maintaining the list of elected officials; to establish a verification procedure for the deletion lists; and to adjust deadlines to reflect the technical development required or align technical requirements with the existing architecture to implement DROP – the Deletion Request and Opt-out Platform.

As drafted, this bill does not include exceptions for federally regulated transactions under the Gramm-Leach-Bliley Act (GLBA), Driver's Privacy Protection Act (DPPA), Fair Credit Reporting Act (FCRA), and Health Insurance Portability and Accountability Act (HIPAA). Opponents of this bill contend that these transactions are non-public facing and are critical for identity verification, fraud detection, and other essential services. Personal information is routinely exchanged between businesses to fulfill contractual obligations and comply with existing regulatory requirements. These exchanges do not risk public exposure of data and include use cases such as validating identity for financial transactions or accessing government benefits. For example, information collected band processed under the FCRA or GLBA is necessary to meet legal

requirements and ensure system integrity. Hawaii recently enacted similar legislation that included targeted exemptions for federally regulated transactions.[3]

Opponents of this bill further contend that this bill apply to news outlets, and will not sufficiently protect constitutionally protected speech including news and other speech on a matter of public concern. Indeed, a similar statute has been held to violate the First Amendment. (*Publius v. Boyer-Vine* (E.D. Cal. 2017) 237 F.Supp.3d 997.) The First Amendment and federal preemption issues raised by this bill are assessed in further detail in the Senate Judiciary Committee analysis. Accordingly, this bill may result in additional trial court costs to the extent that cases are brought to litigate its constitutionality.

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[3] https://data.capitol.hawaii.gov/sessions/session2024/bills/HB1916_SD1_.HTM