

## ASSEMBLY THIRD READING

AB 883 (Lowenthal)

As Amended January 7, 2026

Majority vote

**SUMMARY**

This bill would create an expedited process for elected officials and judges to have their personal information held by data brokers deleted. The Secretary of State and the Judicial Council will be required to compile a list of elected officials and judges, respectively, to provide to California Privacy Protection Agency (CalPrivacy). Data brokers would be required to delete their personal information within five days of CalPrivacy uploading the list into the Delete Request and Opt-out Platform (DROP) system. If the data broker fails to comply, this bill allows for the elected official or judge who has requested deletion or a public attorney to bring a civil action against the broker.

**Major Provisions**

- 1) Requires the Secretary of State to provide CalPrivacy a list of all state and local officials that includes the officials' personal information and must be updated after each subsequent election.
- 2) Requires CalPrivacy to offer each elected official the opportunity to opt out of having their personal information removed from the deletion list.
- 3) Requires the Judicial Council to provide CalPrivacy a list of all California judges, which will serve as the judges' request to delete their personal information.
- 4) Requires CalPrivacy to upload the lists to the data broker deletion system and requires that the data brokers delete the personal information for that individual within five days.
- 5) Authorizes an elected official or judge who has requested deletion or a public attorney to bring a civil action for a violation of this statute.

**COMMENTS**

*The rise of political violence.* On June 14, 2025, Vance Boelter, posing as a law enforcement officer, knocked on the door of Senator John Hoffman's home and shot him and his wife, Yvette, over eight times. Boelter then drove to two other elected officials' homes that were empty before arriving at Representative Melissa Hortman's home, where he shot and killed her and her husband, Mark. Once arrested, Boelter was found with a list of 45 elected Minnesota officials, mostly Democrats who supported abortion rights.<sup>1</sup> The list containing these officials' addresses allegedly came from data brokers and was obtained by Boelter using "people search" websites.<sup>2</sup>

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<sup>1</sup> Kevin Shalvey and Emily Shapiro, "Chilling details emerge in Minnesota shootings as Vance Boelter faces federal charges: 'Stuff of nightmares.'" *ABC News* (June 16, 2025), <https://abcnews.go.com/US/minnesota-lawmakers-shooting-suspect-vance-boelter-due-court/story?id=122882740>

<sup>2</sup> Lily Hay Newman, "Minnesota Shooting Suspect Allegedly Used Data Broker Sites to Find Targets' Addresses." *Wired* (June 16, 2025), <https://www.wired.com/story/minnesota-lawmaker-shootings-people-search-data-brokers/>

Boelter's night of terror was just the latest in a string of alarming, politically motivated violence against elected officials. On January 6<sup>th</sup>, 2021, thousands gathered outside the Capitol steps in Washington, D.C. to protest the 2020 election results in what would quickly turn into an all-out riot. Protesters broke into the Capitol, some armed with confiscated police batons and riot gear or firearms, where they faced off with over 100 Capitol police in efforts to reach elected officials who were holed up in the Senate Chamber.<sup>3</sup> The January 6<sup>th</sup> insurrection, as it has come to be known, resulted in nearly \$3 million in damage and over 1,500 arrests, as well as several deaths of both protesters and Capitol police.<sup>4</sup>

A 2024 report from the Brennan Center for Justice surveyed over 1,700 officials from across the country and found that more than 40 percent of state legislators experienced threats or attacks from 2021-2024, and over half experienced harassment such as stalking.<sup>5</sup> Officials who identify as women or people of color were more likely to experience threats and harassment related to their families, including threats against their children, than other officeholders. Women were also more likely to be deterred from running for reelection due to these threats than men (34 percent of men v. 48 percent of women), highlighting how political violence could significantly reshape California's legislative makeup<sup>6</sup>.

Along with threatening the wellbeing of public servants, political violence has dramatically shifted the way that representatives engage with the public and controversial issues. Nearly 50 percent of state and local officials said that abuse made them less likely to engage with their constituents on social media and 20 percent of state legislators said that political violence has dissuaded them from voicing their opinions on controversial topics. Elected state and local officials are not alone in the barrage of threats. The Global Project Against Hate and Extremism reported an alarming 327 percent increase in instances of threats or calls for impeachment against judges between May 2024 and March 2025 on social media platforms.<sup>7</sup> Thus, violence and intimidation of public servants has a dangerous cooling effect on the democratic process, leading to higher rates of attrition and lower rates of public engagement, especially for women and people of color, that will likely have lasting consequences on the democratic landscape if left unchecked.

*What is a data broker?* The Federal Trade Commission (FTC) defines data brokers as "companies whose primary business is collecting personal information about consumers from a variety of sources and aggregating, analyzing, and sharing that information, or information derived from it, for purposes such as marketing products, verifying an individual's identity, or detecting fraud."<sup>8</sup>

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<sup>3</sup> "Jan. 6, 2021: A visual archive of the Capitol attack" NPR (Jan 4, 2026) <https://apps.npr.org/jan-6-archive/>

<sup>4</sup> *United States v. ALBERTS*, 1:21-cr-00026. (D.D.C. Dec 28, 2023) ECF No. 190 <https://www.courtlistener.com/docket/53705217/190/united-states-v-alberts/> pg. 35

<sup>5</sup> Gowri Ramachandran et al., *Intimidation of state and local officeholders* (Brennan Center for Justice, 2024), <https://www.brennancenter.org/our-work/research-reports/intimidation-state-and-local-officeholders>

<sup>6</sup> Ramachandran et al, *Officeholder intimidation*, 17.

<sup>7</sup> "Escalating online rhetoric reflects a violent authoritarian turn against the judiciary" Global Project Against Hate and Extremism (May 8, 2025), <https://globalextrmism.org/post/violent-authoritarian-turn-against-the-judiciary/>

<sup>8</sup> FTC, *Data Brokers: A Call for Transparency and Accountability* (May 2014) p. 3, <https://www.ftc.gov/system/files/documents/reports/data-brokers-call-transparency-accountability-report-federal-trade-commission-may-2014/140527databrokerreport.pdf>.

California's Data Broker Registration Law defines "data broker" as "a business that knowingly collects and sells to third parties the personal information of a consumer with whom the business does not have a direct relationship."<sup>9</sup>

The common point in both of these definitions is that there is no direct relationship between a consumer and any data broker that has information about the consumer. In fact, it is unclear whether "consumer" is even an apt term in this context, since the person whose data is being collected generally does not directly consume any products or services produced by the data broker. Nevertheless, since "consumer" has become the default term in this context, it will be used in this analysis.

The key point to understand is that virtually no consumer chooses to have a relationship with a data broker. There is certainly a consensual transaction between the consumer and the websites the consumer accesses, the apps the consumer uses, and the consumer's cell phone and internet service providers. Each of these transactions involves a transfer of the consumer's personal information to these entities. But the consumer is not involved in the subsequent sale or transfer of their personal information to data brokers; there is no transaction between the consumer and the data broker involved with that sale or transfer.

*Delete Request and Opt-out Platform (DROP).* In 2023, the Legislature passed the Delete Act.<sup>10</sup> The Act required the California Privacy Protection Agency to develop a streamlined process that allows consumers to submit a request that every data broker that maintains any personal information delete the information related to that consumer held by the data broker. That ability for consumers to submit requests became active January 1 of this year. The Privacy Agency is then required to provide the requests to all registered data brokers. The Delete Act requires data brokers to honor those requests starting August 1, 2026. Once a data broker receives the request, it has 45 days to comply. In addition, the broker is required to check every 45 days to ensure the personal information has not been acquired again.

### **According to the Author**

California is on the cutting edge when designing laws to protect the privacy of individuals in the State. Over the last 5 years there have been numerous documented examples of harassment, threats and even violence against elected officials in California and beyond. It is imperative that we continue to update our laws to ensure that elected and appointed officials' personal information is protected in a manner that also protects the important principles of open government.

AB 883 will create mechanisms to ensure that personal information held by data brokers about elected, and appointed officials is deleted and not sold, and will be an important tool to limit the proliferation of this identifying information throughout society when it is most critical.

### **Arguments in Support**

Californians for Consumer Privacy writes in support:

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<sup>9</sup> Civ. Code § 1798.99.80(d).

<sup>10</sup> Senate Bill 362, Chapter 709, Statutes of 2023.

Elected officials and judges have increasingly experienced threats of violence to themselves and their families. These threats are not theoretical. In 2020 Daniel Anderl was murdered when someone went to his home to confront his mother, a US District Court judge. This horrendous act of violence led to Daniel's Law in New Jersey, which limits access to key information in order to protect judges and others in law enforcement. In 2025, Minnesota elected officials and their families were attacked, and state Representative Hortman and her husband were assassinated, while state Senator Hoffman and his wife were shot and seriously injured by a gunman. In addition to these horrific incidents, research from the University of San Diego analyzed experiences of elected officials in San Diego, Riverside and Imperial Counties and found that 66% of elected officials found themselves being on the receiving end of threats and harassment.

### **Arguments in Opposition**

With an "oppose unless amended" position, the California Chamber of Commerce, Computer and Communications Industry Association, TechCA, and TechNet write:

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 and processed under the FCRA or GLBA is necessary to meet legal requirements and ensure system integrity.

While we recognize the highly visible and sensitive nature of serving in public office, elected officials and appointed court officers, like all individuals, participate in financial and economic activities that require lawful data transfers—such as paying taxes, purchasing homes, or verifying insurance claims. Prohibiting the sale or transfer of such information, even when done in compliance with federal law, would disrupt essential services and economic participation. Without narrowly tailored exceptions, this bill risks unintended harm to both consumers and the businesses that serve them.

### **FISCAL COMMENTS**

- 1) Potential significant costs (Data Brokers Registration Fund, special fund) to receive and facilitate elected official and judicial uploads, facilitate opt-outs, manage configuration changes, investigate potential violations and bring enforcement actions.

The CPPA anticipates costs of \$2.1 million in budget year and \$1.1 million ongoing to fund 4.5 permanent positions and two contracts, including the cost to adapt the DROP system and for ongoing operational support tools for data brokers and end users. The DROP program is funded through annually assessed data broker registration fees. CPPA indicates that a substantial fee increase would be required to implement the new requirements. CPPA reports that the balance of the Data Brokers Registration Fund was approximately \$1 million in December 2025, with an anticipated \$2.6 million balance at the end of this fiscal year. The DROP system was launched in January 2026, with over 100,000 requests within the first two weeks of its launch.

- 2) One-time \$100,000 General Fund costs to the Secretary of State's office to establish an inter-agency agreement with the CPPA, design interface specifications, and develop a process for the secure transfer of personal identifying information data to the CPPA.

- 3) The Judicial Council reports minor and absorbable costs associated with collecting and providing information on judges to the CPPA, as required by this bill.
- 4) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown amount to the courts to adjudicate actions brought by the AG, public prosecutors and private litigants. Actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded based on workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The Governor's January budget proposal for fiscal year 2026-27 provides \$70 million ongoing General Fund to the Trial Court Trust Fund for court operations.

**VOTES****ASM PRIVACY AND CONSUMER PROTECTION: 14-0-1**

**YES:** Bauer-Kahan, Dixon, Bennett, Bryan, DeMaio, Irwin, Lowenthal, Macedo, McKinnor, Ortega, Patterson, Pellerin, Ward, Wicks

**ABS, ABST OR NV:** Petrie-Norris

**ASM APPROPRIATIONS: 15-0-0**

**YES:** Wicks, Hoover, Stefani, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Bauer-Kahan, Pacheco, Pellerin, Solache, Ta, Tangipa

**UPDATED**

VERSION: January 7, 2026

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