

SENATE PRIVACY, DIGITAL TECHNOLOGIES, AND CONSUMER PROTECTION COMMITTEE  
Senator Christopher Cabaldon, Chair  
2025-2026 Regular Session

SB 1114 (Cabaldon)  
Version: February 17, 2026  
Hearing Date: April 6, 2026  
Fiscal: Yes  
Urgency: No  
CK

**SUBJECT**

Data collection: sexual orientation, gender identity, and intersex status: disclosure.

**DIGEST**

This bill defines “information pertaining to SOGISC,” or sexual orientation, gender identity, and variations in sex characteristics/intersex status, for purposes of the Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act (“the Act”) and places limitations on the disclosure of such information to entities outside of the state government.

**EXECUTIVE SUMMARY**

The goal of collecting demographic data is to gather accurate information in order to understand and apply that data to the enhancement and improvement of public services. Given the historic exclusion and erasure of LGBT communities, data collection that provided such insights for these communities was sparse. In response, the Act was passed. It requires various government entities, in the course of collecting other data, to collect voluntary self-identification information pertaining to sexual orientation and gender identity. The collection and dissemination of such information was subject to clear safeguards and use limitations.

Given the increasingly hostile landscape to LGBTQ rights in this country, California has enacted a swath of laws to protect its residents’ privacy, including a series of laws creating legal shields to certain data sharing and taken a more thoughtful approach to data collection. This bill restricts personally identifiable information pertaining to SOGISC data collected pursuant to the Act from being disclosed to any entity outside of California state government. Additionally, it requires information pertaining to SOGISC reported in an identifiable form be limited to the minimal extent required to meet the applicable exception. It further applies these protections to data collected by certain educational institutions. This bill is sponsored by Equality California and the California LGBTQ Health and Human Services Network. It is supported by a number of groups,

including Planned Parenthood Affiliates of California and the California Legislative LGBTQ Caucus. It is opposed by Californians United for Sex-based Evidence in Policy and Law and the California Family Council. The bill passed out of the Senate Governmental Organization Committee on a vote of 11 to 0.

### **PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Establishes the Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act, which requires specified state entities, in the course of collecting demographic data directly or by contract as to the ancestry or ethnic origin of Californians, to also collect voluntary self-identification information pertaining to sexual orientation, gender identity, and intersexuality. The law provides various methods by which this requirement can be carried out. (Gov. Code § 8310.8.)
- 2) Provides, pursuant to the California Constitution, that all people have inalienable rights, including the right to pursue and obtain privacy. (Cal. Const., art. I, Sec. 1.)
- 3) Establishes the Information Practices Act of 1977 (IPA), which declares that the right to privacy is a personal and fundamental right protected by Section 1 of Article I of the Constitution of California and by the United States Constitution and that all individuals have a right of privacy in information pertaining to them. It further states the following legislative findings:
  - a) the right to privacy is being threatened by the indiscriminate collection, maintenance, and dissemination of personal information and the lack of effective laws and legal remedies;
  - b) the increasing use of computers and other sophisticated information technology has greatly magnified the potential risk to individual privacy that can occur from the maintenance of personal information; and
  - c) in order to protect the privacy of individuals, it is necessary that the maintenance and dissemination of personal information be subject to strict limits. (Civ. Code § 1798 et seq.)
- 4) Defines “personal information” for purposes of the IPA as any information that is maintained by an agency that identifies or describes an individual, including, but not limited to, the individual’s name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history. It includes statements made by, or attributed to, the individual. (Civ. Code § 1798.3(a).)

- 5) Prohibits an agency from disclosing any personal information in a manner that would link the information disclosed to the individual to whom it pertains unless the information is disclosed as specified. (Civ. Code § 1798.24.)
- 6) Provides that an agency that fails to comply with any provisions of the IPA may be enjoined by any court of competent jurisdiction, and, as specified, the agency may be liable to the individual in an amount equal to the sum of actual damages sustained by the individual, including damages for mental suffering, and the costs of the action together with reasonable attorney's fees as determined by the court. (Civ. Code §§ 1798.46-1798.48.)
- 7) Provides that the intentional violation of any provision of the IPA, or any rules or regulations adopted thereunder, by an officer or employee of an agency shall constitute a cause for discipline, including termination of employment; and further specifies that the intentional disclosure of medical, psychiatric, or psychological information in violation of the disclosure provisions of the IPA is punishable as a misdemeanor if the wrongful disclosure results in economic loss or personal injury to the individual to whom the information pertains. (Civ. Code §§ 1798.55, 1798.57.)
- 8) Provides that the Trustees of the California State University, the Regents of the University of California, and the governing board of each community college district are requested to, in collecting data relative to gender, race, ethnicity, or other demographics, from faculty, staff, or students, allow the faculty, staff, and students to identify their sexual orientation, gender identity, and gender expression on any forms used to collect that demographic data, as appropriate. (Educ. Code § 66027.)

This bill:

- 1) Prohibits information pertaining to SOGISC collected pursuant to the Act from being disclosed in personally identifiable form to any entity outside of California state government, or a vendor contracted to provide services to the California state government, except if either of the following apply:
  - a) Pursuant to a contract or data sharing agreement where the reporting of SOGISC elements is an explicit and mandatory condition for participation in a federal or interstate program or survey.
  - b) Pursuant to a subpoena or warrant that is valid and enforceable in California.
- 2) Requires information pertaining to SOGISC reported in an identifiable form to be limited to the minimal extent required to meet the applicable exception, and in compliance with the IPA.
- 3) Provides that a violation is subject to the penalties described in the IPA.

- 4) Applies these same restrictions and penalties to information collected by specified educational institutions.
- 5) Defines “information pertaining to SOGISC” as information pertaining to any of the following:
  - a) A person’s sexual orientation identity.
  - b) A person’s gender identity or gender expression.
  - c) A person’s identification as intersex, or identification as possessing sex characteristics that vary from those typically associated with a person’s sex assigned at birth.
  - d) Information pertaining to SOGISC also includes information that could reasonably be used to infer a person’s transgender or intersex status, as provided.
- 6) Includes a severability clause.

### COMMENTS

#### 1. A brief history of LGBT discrimination and exclusion

There is already clear evidence that the history of societal and institutional exclusion and discrimination against LGBTQ communities has resulted in disparities in health and other outcomes for those communities. Over the past decade, the specific struggles of the transgender and gender nonconforming communities have become part of the American zeitgeist, particularly as various media have explored the institutional challenges facing these communities. A National Transgender Discrimination Survey found that 90 percent of transgender people experienced mistreatment or discrimination at work or took actions to avoid such discrimination.<sup>1</sup> Nearly 47 percent of those surveyed lost their jobs, were denied a promotion, or were denied a job as a direct result of discrimination because they were transgender. The transgender, gender-nonconforming, and intersex community is experiencing alarming rates of marginalization and disenfranchisement.

A key tool in addressing these issues is more thoughtful and systematic data collection. As the Center for American Progress puts it:

Data collection is an indispensable tool to understand and address challenges facing LGBTQI+ and other sexual and gender-diverse communities. Although strides have been made in recent years, a persistent lack of routine data collection on sexual orientation, gender

---

<sup>1</sup> Jaime M. Grant et al., *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey* (2011) National Center for Transgender Equality and National Gay and Lesbian Task Force, [https://transequality.org/sites/default/files/docs/resources/NTDS\\_Report.pdf](https://transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf). All internet citations are current as of March 28, 2026.

identity, and variations in sex characteristics (SOGISC) is still a substantial roadblock for policymakers, researchers, service providers, and advocates seeking to improve the health and well-being of LGBTQI+ people. More comprehensive and accurate point-in-time and longitudinal demographic data on SOGISC are crucial to:

- Advance research agendas
- Evaluate population trends
- Identify community-based needs
- Provide high-quality services
- Track and address discrimination
- Equitably distribute funding and other resources
- Shape evidence-based policy solutions to promote equity and reduce disparities faced by LGBTQI+ populations

As the size and diversity of LGBTQI+ populations in the United States continue to expand, particularly among youth and young adults, the importance of collecting data on these communities only continues to grow. Failing to collect these data can create harms by hindering the ability of researchers, policymakers, service providers, and advocates to understand the experiences of LGBTQI+ communities, identify disparities, generate policies that promote equity, and evaluate the effectiveness of those policies.<sup>2</sup>

## 2. Responding to the lack of adequate data collection

To begin to address these issues, AB 959 (Chiu, Ch. 565, Stats. 2015) enacted the Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act. The Act requires specified state departments to collect voluntary self-identification information pertaining to sexual orientation and gender identity in the course of collecting other demographic data directly or by contract. The Act provides some possible methods for carrying out this data collection. Initially, only four state departments were included. After multiple expansions, 15 departments are now subject to the Act.

The departments are required to report the data collected and the method used to collect that data to the Legislature. They are further required to make the data available to the public in accordance with state and federal law. To ensure the privacy of the individuals involved, the Act specifically prohibits personal identifying information from being disclosed. The departments are further prohibited from reporting any demographic data that would permit identification of individuals or would result in

---

<sup>2</sup> *Collecting Data About LGBTQI+ and Other Sexual and Gender-Diverse Communities* (May 24, 2022) Center for American Progress, <https://www.americanprogress.org/article/collecting-data-about-lgbtqi-and-other-sexual-and-gender-diverse-communities/>.

statistical unreliability. The Act provides that demographic reports on data collected may aggregate categories to prevent identification of individuals. This can be done at a state, county, city, census tract, or zip code level to facilitate comparisons and identify disparities.

To provide an additional layer of privacy protection, the state departments are only authorized to use information voluntarily provided about sexual orientation and gender identity for specified purposes, namely demographic analysis, coordination of care, quality improvement of its services, conducting approved research, fulfilling reporting requirements, and guiding policy or funding decisions.

### 3. Shielding SOGISC information from improper disclosure

Given the sensitive nature of SOGISC information and the increasing hostility from the federal government and other states toward certain communities in California, further limitations on sharing this information with entities outside of the state government are arguably necessary. This bill does this by restricting personally identifiable information pertaining to SOGISC data collected pursuant to the Act from being disclosed to any entity outside of California state government, or a vendor contracted to provide services to the state. Additionally, this bill requires information pertaining to SOGISC reported in an identifiable form be limited to the minimal extent required to meet the applicable exception, and in compliance with the IPA. These provisions are also applied to such data collected by educational institutions pursuant to Section 66027 of the Education Code.

According to the author:

SB 1114 protects LGBTQ+ Californians from discrimination and harm by strengthening privacy protections for data related to sexual orientation, gender identity/expression, transgender status, intersex status, and variations in sex characteristics (SOGISC). The bill restricts California state agencies from sharing SOGISC data outside state government and limits disclosure to narrow circumstances.

Inclusive data collection helps California state agencies better serve diverse communities. But as hostility from the federal government toward communities of color, immigrants, and LGBTQ+ people has grown, so has the need to ensure sensitive information cannot be misused. Federal agencies have increasingly sought expanded access to state-held data, often framed as efforts to reduce fraud, waste, and abuse. While many recent examples involve requests for immigration or health data, they underscore why clear guardrails on data sharing are essential. Similar to other information the state collects, SOGISC data should be protected with strong limitations on when and how it can be shared outside of California

state government, especially given the demonstrated hostility of the Trump administration toward LGBTQ+ communities.

4. Stakeholder positions

Writing in support, Equality California, a co-sponsor of this bill, explains the need for these protections:

LGBTQ+ Californians share personal information with state programs because they need essential services – such as food assistance or health coverage – and trust that their data will be used only to administer those programs. However, federal agencies have increasingly sought expanded access to state-held data, often framed as efforts to reduce fraud, waste, and abuse.

For example, the U.S. Department of Agriculture has sought unprecedented access to detailed data, including immigration status, from state Supplemental Nutrition Assistance Program (SNAP) systems and their contractors. Similarly, the Centers for Medicare & Medicaid Services (CMS) has shared Medicaid enrollee information with the Department of Homeland Security for immigration enforcement. Last year, CMS instructed hospitals participating in federally funded programs to provide detailed data on transgender health care, and the Department of Justice subsequently issued subpoenas for personally identifiable information of transgender patients to at least 20 hospitals. These actions create significant risks that sensitive data collected to administer services could be repurposed for unrelated uses, such as immigration enforcement or surveillance.

SB 1114 establishes clear guardrails to ensure SOGISC data cannot be disclosed outside of California state government except in limited circumstances – when explicitly required for participation in a federal or interstate program, or in response to a subpoena or warrant that is valid and enforceable in California.

Californians United for Sex-based Evidence in Policy and Law writes in opposition:

There is no need for further protection of personal data for individuals who voluntarily take part in these state mandated surveys. Every bill going back to AB 959 in 2015 says the individual identifying data collected under this data collection mandate must be protected. No mention is made of any breach of the data collected in the last decade.

Supporters claim this new bill is needed due to fear that Federal Government investigations into waste, fraud and abuse will result in publicly revealing private and personal information about individuals. Yet there is no explanation of how nor why, exactly, the Federal Government's investigations would do that. Supporters raise the specter of the "Lavender Scare" and government investigations of Gay and Lesbian activist organizations- situations that occurred 50-80 years ago and had nothing to do with investigations of fraud. Also mentioned are concerns about AI facial recognition- which is not in any way addressed by this bill. Why the dishonest scaremongering?

The California Legislative LGBTQ Caucus has identified this as a caucus priority bill and writes: "At a time when sensitive personal information is increasingly vulnerable to misuse, SB 1114 ensures California can continue collecting critical demographic data to improve public services while protecting the privacy and safety of LGBTQ+ individuals and other vulnerable populations."

### **SUPPORT**

California LGBTQ Health and Human Services Network (co-sponsor)  
Equality California (co-sponsor)  
Advocates for Trans Equality  
Alliance for TransYouth Liberation  
California Legislative LGBTQ Caucus  
Courage California  
El/la Para TransLatinas  
Gender Affirming Professionals  
Health Access California  
Planned Parenthood Affiliates of California  
Rainbow Families Action Bay Area  
San Francisco Aids Foundation  
Somos Familia Valle

### **OPPOSITION**

California Family Council  
Cause: Californians United for Sex-based Evidence in Policy and Law

### **RELATED LEGISLATION**

SB 957 (Wiener, Ch. 868, Stats. 2024) required, rather than permitted, the California Department of Public Health (CDPH) to collect demographic data, including SOGISC, data, from third parties on any forms or electronic data systems, unless prohibited by federal or state law, as specified. It added SOGISC to the information reported for the

purpose of statewide or local immunization information systems, as specified and requires CDPH to prepare an annual report concerning SOGISC data, as specified.

AB 1163 (Luz Rivas, Ch. 832, Stats. 2023) expanded the data collection obligations of the Act to three additional agencies.

AB 1797 (Weber, Ch. 582, Stats. 2022) required, rather than permitted, health care providers and specified agencies that have access to immunization information to disclose certain information from a patient medical record or a client record to CDPH and local health departments. It added “patient’s or client’s race and ethnicity” to the list of information collected for purposes of immunization information and reminder systems.

SB 932 (Wiener, Ch. 183, Stats. 2020) required any electronic tool used by LHOs for the purpose of reporting cases of communicable disease to CDPH to include the capacity to collect and report SOGI data of individuals who are diagnosed with a reportable disease, and requires health care providers who are in attendance on a case of a reportable disease to report the patient’s sexual orientation and gender identity, if known.

AB 2677 (Chiu, Ch. 744, Stats. 2017) also expanded the list of state entities to which the Act applies.

AB 532 (McCarty, Ch. 433, Stats. 2015) required any state agency, board, or commission that collects demographic data to provide forms that offer respondents the option of identifying as multiracial and selecting one or more ethnic or racial designations.

AB 959 (Chiu, Ch. 565, Stats. 2015) *See* Comment 2.

AB 1088 (Eng, Ch. 689, Stats. 2011) required certain state agencies to collect and tabulate data for additional major Asian groups, as listed, in order to better reflect the diversity of Asian American, Hawaiian, and Pacific Islander communities in California.

**PRIOR VOTES:**

Senate Governmental Organization Committee (Ayes 11, Noes 0)

\*\*\*\*\*