

Date of Hearing: June 30, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
SB 1114 (Cabaldon) – As Amended May 14, 2026

SENATE VOTE: 30-0

SUBJECT: DATA COLLECTION: SEXUAL ORIENTATION, GENDER IDENTITY, AND
INTERSEX STATUS: DISCLOSURE

SYNOPSIS

In order to ensure that California government was using adequate and complete data when making important decisions, in 2015, the Legislature enacted AB 959 (Chiu) Chap. 656, Stats. 2015, to collect voluntary self-identification information on sexual orientation and gender identity when collecting other demographic information. That data has helped the state develop critical services for the LGBTQ+ community, especially services for LGBTQ+ persons who are elderly or have a disability. However, as the federal government is turning more hostile toward the existence of LGBTQ+ persons, protecting this data from needless disclosure is imperative.

This bill would limit the disclosure of specified information on sexual orientation and gender identity, referred to as SOGISC characteristics in the bill. The bill provides that the information is not subject to the California Public Records Act and imposes the same penalties utilized in the Information Practices Act of 1977 to unauthorized disclosures of the information in violation of this bill. The bill makes several clarifying exemptions to the disclosure provisions, particularly for Department of Motor Vehicle driver's license records and valid court-ordered subpoenas.

This measure is co-sponsored by Equality California and the LGBTQ Health and Human Services Network who contend that data protection for individuals within the LGBTQ+ community is imperative as the federal government seeks to target this population. This bill is opposed by several organizations that deny the existence of transgender individuals. They contend that the bill interferes with parental rights (even if many of the agencies subject to the bill do not deal with minors), opens the door for alleged corruption in grants, and provides an overly broad exemption to the California Public Rights Act. It should be noted that the bill makes all appropriate findings for a Public Records Act exemption and none of the groups that typically weigh in on Public Records Act related legislation have a position on this measure. This bill was previously heard and approved by the Committee on Privacy and Consumer Protection by a vote of 11 to 2.

SUMMARY: Limits the disclosure of information to entities outside of the state government regarding information pertaining to a party's SOGISC characteristics, as specified. Specifically, **this bill:**

- 1) Defines "information pertaining to SOGISC" to mean information pertaining to any of the following:
 - a) A person's sexual orientation identity;
 - b) A person's gender identity; and

- 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) For the purposes of disclosure under 2) the following:
 - i. A person's self-identification as transgender, nonbinary, or a gender other than man/male or woman/female;
 - ii. Information about a person's gender identity and their sex assigned at birth that is stored or disclosed in a manner that may result in a person being classified as transgender or intersex;
 - iii. Administrative records of gender marker change or documentation submitted in conjunction with a request for gender marker change; and
 - iv. Medical information related to transgender or intersex status not otherwise protected under the federal Health Insurance Portability and Accountability Act of 1996, or the California Confidentiality of Medical Information Act.
- 2) Prohibits information pertaining to SOGISC collected pursuant to this bill and existing law from being disclosed in a manner allowing personal identification 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; or
 - b) Pursuant to a warrant or court order that is valid and enforceable in California.
- 3) Provides that information pertaining to SOGISC reported in an identifiable form is to be limited to the minimal extent required to meet the applicable exception, and in compliance with the Information Practices Act of 1977.
- 4) Provides that a violation of this bill is subject to the same civil penalties as those provided in the Information Practices Act of 1977.
- 5) Exempts information deemed SOGISC from disclosure under the California Public Records Act.
- 6) Prohibits the Department of Motor Vehicles from sharing personally identifiable SOGISC, except for the purpose of providing a person's gender marker on a Department-issued drivers license or state identification card.
- 7) Makes various findings and declarations regarding information confidentiality and exemptions to the Public Records Act.

EXISTING LAW:

- 1) Establishes the Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act, which requires fifteen different 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. (Government Code Section 8310.8.)

- 2) Establishes the Information Practices Act of 1977 and 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. (Civil Code Section 1798.1.)
- 3) Defines “personal information” for the purposes of the Information Practices Act of 1977 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, as specified. (Civil Code Section 1798.3 (a).)
- 4) 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. (Civil Code Section 1798.24.)
- 5) Provides that an agency that fails to comply with any provisions of the Information Practices Act of 1977 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. (Civil Code Sections 1798.46-1798.48.)
- 6) Provides that the intentional violation of any provision of the Information Practices Act of 1977, 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 Act is punishable as a misdemeanor if the wrongful disclosure results in economic loss or personal injury to the individual to whom the information pertains. (Civil Code Section 1798.55, 1798.57.)
- 7) Authorizes a civil action for the invasion of privacy against any person, other than an employee of the state or of a local government agency acting solely in his or her official capacity, who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal information maintained by a state agency or from “records” within a “system of records,” as specified. (Civil Code Section 1898.53.)
- 8) Provides that in any successful action brought to enforce 7), the complainant, in addition to any special or general damages awarded, shall be awarded a minimum of two thousand five hundred dollars (\$2,500) in exemplary damages as well as attorney’s fees and other litigation costs reasonably incurred in the suit. (*Ibid.*)
- 9) 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 specified. (Education Code Section 66027.)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: The extensive, and inclusive, set of data collected by dozens of California state agencies is designed to help the state provide services to California's diverse population. This data helps identify potential trends in the provision of medical services, education, even on incarcerated individuals. However, as the federal administration demonizes and demonstrates ongoing hostilities to the LGBTQ+ community, proponents of this measure fear that state data may be weaponized against the very people it aims to help. To that end, this bill would add additional protections on sexual orientation, gender identity, and variations in sex characteristics/intersex status data, hereinafter SOGISC, collected by state agencies. In support of the bill the author states:

SB 1114 protects LGBTQ+ Californians from discrimination and harm by strengthening privacy protections for data related to sexual orientation, gender identity, 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 personal 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 personal 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.

The need to collect SOGISC data. In 2015, recognizing that the state was not adequately collecting data regarding sexual orientation and gender identity, the Legislature enacted the Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act. (AB 959 (Chiu) Chap. 656, Stats. 2015.) That bill required state departments to collect voluntary self-identification information on sexual orientation and gender identity when collecting other demographic information. In the intervening years, the bill has been expanded to require data now be collected by 15 distinct state agencies and for agencies to solicit information regarding intersexuality.

Once collected, the designated departments are required to report on the SOGISC data collected and the method used to collect that data to the Legislature. Additionally, the departments must make the aggregated version of the data available to the public in accordance with state and federal privacy laws. The information collected by the state departments must be offered on a voluntary basis and utilized primarily for specified purposes, including but not limited to, demographic analysis, coordination of care, quality improvement of its services, conducting approved research, fulfilling reporting requirements, and guiding policy or funding decisions.

The Information Practices Act of 1977. The Information Practices Act of 1977 was one of the state's first comprehensive privacy law. The Act governs the protection of sensitive personal data

collected by the government as a part of providing public services. At a high level, the act prohibits the disclosure of “personal information” which is defined 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,” unless that information is anonymized or the individual consents to its release.

The Information Practices Act of 1977 also provides an extensive list of remedies for persons whose personal data is improperly shared. These penalties include injunctive relief against the state and the payment of actual damages by the state to the aggrieved party. Should a person, acting outside their official scope of state job duties, release such information they would be subject to an invasion of privacy claim and may be liable for not only any special or general damages awarded, but a minimum of two thousand five hundred dollars (\$2,500) in exemplary damages as well as attorney’s fees and other litigation costs reasonably incurred in the suit.

This bill seeks to protect SOGISC data collected by state agencies. While still maintaining the state’s robust, and necessary collection of SOGISC data, this bill enhances the protections provided to that data. The bill provides that SOGISC data, defined as pertaining to sexual orientation identity, gender identity, and variations in sex characteristics/intersex status, may not be released in a manner permitting personal identification. The bill would apply to SOGISC data collected by the 15 state agencies tasked with collecting the data under the existing law as well as the California State University System, the Regents of the University of California, and the governing board of each community college district should they collect such data. The bill clarifies that such SOGISC data is not subject to disclosure under the Public Records Act. The bill provides for a narrow exemption to these provisions to clarify in the Vehicle Code that the Department of Motor Vehicles is still to disclose one’s preferred sex or gender marker for the purposes of listing such information on a Department-issued driver’s license or state identification card. The bill also adopts narrow exceptions for the compliance with a valid law enforcement subpoena and for the purpose of participation in a mandatory interstate or federal program.

The bill would make a violation of the above-described disclosure requirements a violation of the Information Practices Act of 1977, thereby adopting the civil enforcement provisions of that Act to violations of this bill. The bill makes numerous technical cross-reference updates to various code sections implicated by the bill and adopts the findings necessary to expand an exemption to the Public Records Act.

ARGUMENTS IN SUPPORT: This bill is co-sponsored by Equality California and the LGBTQ Health and Human Services Network. The bill enjoys support from numerous other civil rights and LGBTQ+ advocacy organizations. In support of the bill, Equality California writes:

Comprehensive data collection is essential to improving services, advancing health equity, and directing resources where they are most needed. As LGBTQ+ populations continue to grow, failing to collect SOGISC data risks rendering these communities invisible and undermining efforts to develop policies that promote equity and improve health outcomes.

In 2015, California enacted the Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act (Chapter 565, Statutes of 2015). This law requires several state agencies—including the Departments of Health Care Services, Public Health, Social Services, and the Department of Aging—to collect voluntary selfidentification data on sexual orientation and

gender identity when gathering demographic information. In 2023, AB 1163 (Chapter 832, Statutes of 2023) expanded these requirements to additional agencies, further strengthening the state's ability to understand and address disparities affecting LGBTQ+ communities.

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.

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. The bill also defines SOGISC to include sexual orientation, gender identity, and variations in sex characteristics, and clarifies that information that could reasonably be used to infer transgender or intersex status is also protected. Finally, SB 1114 extends these protections to SOGISC data collected by public postsecondary education institutions and makes violations subject to existing penalties under the Information Practices Act.

ARGUMENTS IN OPPOSITION: The bill is opposed by the California Family Council and CAUSE: Californians United for Sex-Based Evidence in Policy and Law on the grounds that the bill interferes with parental rights, despite the fact that the majority of the agencies implicated by the bill do not work with minors (see, e.g. Department of Aging). Nonetheless, CAUSE writes in opposition to this measure:

SB 1114 is part of the decade + long attempt by California to mandate collection of voluntarily revealed information about sexual orientation and about how a person self-identifies in particular areas of their lives. But SB 1114 goes much further, over reaching to hide the fact of a person's true sex from the public even in circumstances beyond information gleaned from surveys.

The Legislature from the start has cautioned that the personal identifying information of any individual who gives information about their identity as part of this mandated data collection effort must be protected. Language to this effect is in every one of the previous bills. What SB 1114 does is not meant to hide a person's self-declared identity. It attempts to hide the fact of a person's sex in any circumstances. This impacts public safety and public right to know.

Fraud in healthcare and insurance and in publicly funded assistance programs is real. Socalled (sic) "gender affirming care" is being scrutinized by legitimate authority not only across the US but around the world over concerns about fraud and malpractice. It is remiss of any government – Local, Federal, or State, to refuse to protect taxpayers and citizens by assisting in investigations in areas where fraud or medical malpractice may be occurring. Yes, the federal government subpoenaed hospitals - those suspected of harming children with experimental drugs and procedures! It was not to find out the names of individual patients in order to publicize or penalize them, it was to discover if harm was being caused to patients and taxpayers by the hospitals! Who is SB 1114 trying to protect?

A person's actual sex is a matter of fact, no matter how they identify. Yet SB 1114 disallows release of public records that may lead to the discovery of this information, whether or not the person ever claimed any "gender identity" on a questionnaire or whether or not that information is the intent of the inquiry! This is outrageous governmental over-reach with the sole purpose of misleading the public about reality.

We urge the committee to rethink the state's entire approach to data collection in this area, rather than continuing down the road of widening the scope of such data collection and overreach of identity protection.

REGISTERED SUPPORT / OPPOSITION:

Support

California LGBTQ Health and Human Services Network (co-sponsor)
 Equality California (co-sponsor)
 Access Reproductive Justice
 Advocates for Trans Equality
 Alliance for Transyouth Liberation
 California Academy of Child and Adolescent Psychiatry
 California Latinas for Reproductive Justice
 California Legislative LGBTQ Caucus
 California Medical Association
 California Primary Care Association
 Casita Feliz Latine LGBTQ+ Center
 CFT – a Union of Educators & Classified Professionals, AFT, AFL-CIO
 Courage California
 El/la Para Translatinas
 Gender Affirming Professionals
 Health Access California
 Health Officers Association of California
 LGBTQ+ Inclusivity, Visibility, and Empowerment
 Oakland Privacy
 Pflag Sacramento
 Planned Parenthood Affiliates of California
 Rainbow Families Action Bay Area
 San Francisco Aids Foundation
 Somos Familia Valle
 The San Diego LGBT Community Center

Opposition

California Family Council
 CAUSE: Californians United for Sex-based Evidence in Policy and Law
 Our Duty

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