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

SB 957 (Pérez)
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Fiscal: Yes
Urgency: No
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SUBJECT

Privacy: social media companies: administrative subpoenas: remedies

DIGEST

This bill places requirements and restrictions on social media companies with respect to their handling of administrative subpoenas issued pursuant to the Immigration and Nationality Act (INA).

EXECUTIVE SUMMARY

California is home to nearly 11 million immigrants. California's immigrant residents are important and valuable members of their communities, and help make the state a thriving, diverse, and healthy state. However, every non-citizen has some risk of being subject to immigration enforcement activities or deportation. This risk has serious effects on immigrant families. With a recent increase in immigration enforcement activity, these risks and the ways in which immigration enforcement activity has dramatically escalated and arguably exceeded legal boundaries have become an even greater concern for the state.

Recently, immigration enforcement officials have turned to social media sites as a source for information in their investigations. Reports indicate that this has not been isolated to criminal matters or even civil matters within their statutory authority, but veered into dragnets targeting anyone who tracks or criticizes Immigration and Customs Enforcement (ICE). One main tool used by ICE is administrative subpoenas served on social media companies to gather information on their targets. These are not court-ordered demands, but are issued under the authority of the INA.

This bill seeks to respond to the increased utilization of these tactics by requiring social media platforms to notify an individual when the individual's personal information is being requested through administrative subpoenas issued pursuant to the INA. The companies are required to provide sufficient time for the targeted individual to respond

to or challenge the subpoena before the company responds. The bill authorizes companies to thereafter respond if they determine the subpoena is not invalid, as provided, but prohibit responses if the subpoena is invalid for specified reasons. Enforcement is delegated to the Attorney General and right of action is provided to individuals whose information is shared in violation of these provisions.

This bill is author-sponsored. It is supported by Oakland Privacy. No timely opposition has been received by the Committee. Should the bill pass out of this Committee, it will next be heard by the Senate Judiciary Committee.

PROPOSED CHANGES TO THE LAW

Existing federal law:

1) Empowers the Attorney General and any immigration officer to require by subpoena the attendance and testimony of witnesses before immigration officers and the production of books, papers, and documents relating to the privilege of any person to enter, reenter, reside in, or pass through the United States or concerning any matter which is material and relevant to the enforcement of the Immigration and Nationality Act and the administration of the Immigration and Naturalization Service of the Department of Justice (now the U.S. Citizenship and Immigration Services (USCIS)), and to that end may invoke the aid of any court of the United States. (8 U.S.C. § 1225(d)(4)(A) (hereinafter "Section 1225").)

2) Provides that the U.S. Constitution (Const.), and the Laws of the United States, are the supreme law of the land. (U.S. Const., art. VI, cl. 2.)

Existing state law:

3) Establishes the CCPA, which grants consumers certain rights with regard to their personal information, including enhanced notice, access, and disclosure; the right to restrict the sale or sharing of information; and protection from discrimination for exercising these rights. It places attendant obligations on businesses to respect those rights. (Civ. Code § 1798.100 et seq.)

4) Provides a consumer the right, at any time, to request that a business delete any personal information about the consumer which the business has collected from the consumer, except as specified. Businesses must disclose this right to consumers. (Civ. Code § 1798.105.)

5) Defines "personal information" as information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. The CCPA provides a nonexclusive series of categories of information deemed to be

personal information, including identifiers, biometric information, and geolocation data. (Civ. Code § 1798.140(v).) The CCPA defines and provides additional protections for sensitive personal information, as defined, that reveals specified personal information about consumers, including immigration status. (Civ. Code § 1798.140(ae).)

This bill:

1) Establishes the "Stopping Harmful Information Exploitation and Lawless Data Sharing Act," the SHIELD Act.

2) Requires a social media company to promptly notify an individual whose personal information is requested by an administrative subpoena issued pursuant to Section 1225, as that section read on January 1, 2026.

3) Prohibits a social media company from responding to an administrative subpoena requesting the personal information of an individual until the individual whose personal information is requested has had sufficient time to respond to or challenge the administrative subpoena.

4) Prohibits, notwithstanding any other law, a social media company from responding to an administrative subpoena requesting the personal information of an individual if the administrative subpoena is invalid for any of the following reasons:
    a) The information requested by the administrative subpoena is not related to any purpose lawfully authorized pursuant to subparagraph (A) of paragraph (4) of subsection (d) of Section 1225 of Title 8 of the United States Code, as that section read on January 1, 2026.
    b) The information requested by the administrative subpoena is irrelevant to the purpose described.
    c) The information requested by the subpoena is overly broad or compliance would be unduly burdensome.

5) Provides that, notwithstanding the above, a social media company may respond to an administrative subpoena requesting the personal information of an individual if the social media company determines the administrative subpoena is not invalid for the reasons above.

6) Defines the relevant terms:
    a) "Administrative subpoena" means a subpoena issued pursuant to Section 1225.
    b) "Individual" means a natural person who is a California resident.
    c) "Maintain" includes maintain, acquire, use, or disclose.

d) "Personal information" means any information that is maintained by a social media company that is reasonably capable of identifying or describing an individual, including, but not limited to, the individual's name, social security number, physical description, address, telephone number, IP address, online browsing history, location information, social media information, education, financial matters, and medical or employment history.
e) "Social media company" means a social media company, as defined in Section 22675.

7) Authorizes the Attorney General to bring an action for injunctive or declaratory relief against any social media company who violates this chapter. An individual whose information has been shared in response to an administrative subpoena by a social media company in violation hereof may also bring such a civil action.

8) Makes clear that this does not interfere with the ability of a social media company to respond to a court order issued pursuant to Section 1225 or any other law.

9) Includes a severability clause.

COMMENTS

1. Immigration enforcement and the power of the states

In response to increased immigration enforcement activity under the first Trump administration, the Legislature passed a number of laws related to immigration enforcement. One of the first measures was AB 450 (Chiu, Ch. 492, Stats. 2017), which prohibited an employer from providing voluntary consent to an immigration officer to enter a non-public area of the workplace without being provided a judicial warrant. AB 450 also prohibited an employer from providing immigration officers voluntary consent to access, review, or obtain an employer's employee records without a subpoena or judicial warrant, except for in the context of a valid request to review I-9 employment eligibility verification forms and related records.

The same year that AB 450 was passed, the Legislature also passed the California Values Act (SB 54, De León, Ch. 495, Stats. 2017). SB 54 limited local law enforcement agencies' sharing of inmate information with federal immigration agencies, and prohibited law enforcement agencies from using their resources for immigration enforcement or from cooperating in immigration enforcement activities. In addition, SB 54 required the Attorney General to publish various model policies regarding local entities' involvement or cooperation with immigration enforcement. These model policies included policies for limiting assistance with immigration enforcement at public schools, public libraries, health care facilities, courthouses, and various state

agencies, which public schools, health facilities operated by the state, or courthouses were required to implement. The model policies also included policies relating to the operation of databases by state and local law enforcement agencies aimed at limiting the availability of information on the databases for the purpose of immigration enforcement. SB 54 encouraged, but did not require, all state and local law enforcement agencies to adopt the model policies. While SB 54 was challenged in court by the previous Trump administration, the Ninth Circuit upheld it as constitutional under the anti-commandeering doctrine of the Tenth Amendment, and the United States Supreme Court refused to disturb that decision. (*United States v. California* (2019) 921 F.3d 865; *United States v. California* (2020) 141 S. Ct. 124.)

Under the United States Constitution, the federal government has exclusive authority over immigration law. (*Arizona v. U.S.*, (2012) 567 U.S. 387, 394.) The intergovernmental immunity doctrine of the Supremacy Clause prohibits state laws from discriminating against the federal government or burdening it in some way. (*United States v. California* (2019) 921 F.3d 865). Although the Supremacy Clause of the United States forbids states from interfering with or enacting laws that conflict with immigration law, the "anti-commandeering" principle of the Tenth Amendment prohibits the federal government from requiring state officials to enforce federal laws.[1] Moreover, the Tenth Amendment of the United States Constitution provides states with general police powers and all other powers not explicitly delegated to the federal government.

President Trump, since re-entering office, has promised to ramp up immigration enforcement and greatly increase deportations. He has attempted to make due on this promise through various executive actions that have declared a national emergency at the southern border, halted refugee admission, expanded who immigration enforcement officers can prioritize for deportation, expanded expedited removal, increased the hiring of immigration officers, and expanded immigration detention. In addition, the Trump Administration ended long-standing federal policy that limited immigration enforcement activity at "sensitive locations" like schools, places of worship, and courthouses.[2]

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[1] *See United States v. California* (2019) 921 F.3d 865; *United States v. California* (2020) 141 S. Ct. 124 (upholding California's SB 54 (De Leon, Ch. 495, Stats. 2017) under the anti-commandeering doctrine).
[2] *See* Benjamine C. Huffman, Memorandum: Enforcement Actions in or Near Protected Areas, Dept. of Homeland Sec. (Jan. 20, 2025), available at https://www.nafsa.org/regulatory-information/dhs-rescinds-biden-protected-areas-enforcement-policy; James A. Puleo, Memorandum: Enforcement Activities at Schools, Places of Worship, or at funerals or other religious ceremonies, Imm. & Nationality Svcs., HQ 807-P (May 17, 1993); Dept. of Homeland Sec., "Secretary Mayorkas Issues New Guidance for Enforcement Action at Protected Areas," (Oct. 27, 2021), available at https://www.dhs.gov/archive/news/2021/10/27/secretary-mayorkas-issues-new-guidance-enforcement-action-protected-areas. All internet citations are current as of April 8, 2026.

2. Protecting against indiscriminate data collection

In addition to the above blitzkrieg of immigration enforcement activities, the Department of Homeland Security has feverishly sought to obtain more and more data on Californians. Reports show that one new target has been social media platforms and the focus has not been limited:

> The Department of Homeland Security is expanding its efforts to identify Americans who oppose Immigration and Customs Enforcement by sending tech companies legal requests for the names, email addresses, telephone numbers and other identifying data behind social media accounts that track or criticize the agency.
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> In recent months, Google, Reddit, Discord and Meta, which owns Facebook and Instagram, have received hundreds of administrative subpoenas from the Department of Homeland Security, according to four government officials and tech employees privy to the requests. They spoke on the condition of anonymity because they were not authorized to speak publicly.
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> Google, Meta and Reddit complied with some of the requests, the government officials said. In the subpoenas, the department asked the companies for identifying details of accounts that do not have a real person's name attached and that have criticized ICE or pointed to the locations of ICE agents. The New York Times saw two subpoenas that were sent to Meta over the last six months.
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> The tech companies, which can choose whether or not to provide the information, have said they review government requests before complying. Some of the companies notified the people whom the government had requested data on and gave them 10 to 14 days to fight the subpoena in court.…
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> "When we receive a subpoena, our review process is designed to protect user privacy while meeting our legal obligations," a Google spokeswoman said in a statement. "We inform users when their accounts have been subpoenaed, unless under legal order not to or in an exceptional circumstance. We review every legal demand and push back against those that are overbroad."…
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> Unlike arrest warrants, which require a judge's approval, administrative subpoenas are issued by the Department of Homeland Security. They were only sparingly used in the past, primarily to uncover the people behind social media accounts engaged in serious crimes such as child trafficking, said tech employees familiar with the legal tool. But last year, the department ramped up its use of the subpoenas to unmask anonymous social media accounts.

> In September, for example, it sent Meta administrative subpoenas to identify the people behind Instagram accounts that posted about ICE raids in California, according to the A.C.L.U. The subpoenas were challenged in court, and the Department of Homeland Security withdrew the requests for information before a judge could rule.[3]

This bill seeks to address the overbroad use of administrative subpoenas served on social media companies by requiring them to take the very actions identified by Google above.

Congress generally grants federal agencies with the power to issue such administrative subpoenas within the confines of their regulatory ambit. These are not judicially approved or ordered demands, but can be enforced in appropriate courts. The INA provides such authority to the U.S. Attorney General and immigration officers in the immigration enforcement context. As stated by a federal court in California:

> The federal government exercises broad power over immigration. *Arizona v. United States*, 567 U.S. 387, 394 (2012); U.S. Const. art. I, § 8, cl. 4 (granting Congress the power to "establish an uniform Rule of Naturalization"). Congress enacted the Immigration and Nationality Act (INA) to regulate the entry, presence, and removal of noncitizens. 8 U.S.C. § 1101 et seq.
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> The INA authorizes the Attorney General and any immigration officer to issue administrative subpoenas under 8 U.S.C. § 1225(d)(4). The INA provides for judicial enforcement of a subpoena issued under § 1225(d)(4). The Attorney General and immigration officers "may invoke the aid of any court of the United States" in enforcing the subpoenas, and district courts may order enforcement. § 1225(d)(4) (authorizing any district court within the jurisdiction of which investigations are being conducted to issue an order requiring compliance by "persons" with a subpoena in the event of neglect or refusal to respond).
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> Judicial review of an administrative subpoena is "quite narrow." *United States v. Golden Valley Elec. Ass'n* (Golden Valley), 689 F.3d 1108, 1113 (9th Cir. 2012). Judicial enforcement of an administrative subpoena turns on "(1) whether Congress has granted the authority to investigate; (2) whether procedural requirements have been followed; and (3) whether the evidence is relevant and material to the investigation." *Id*. (citation omitted); *see also McLane Co., Inc.* (McLane) v. EEOC, 581 U.S. 72, 77 (2017)

[3] Sheera Frenkel & Mike Isaac, *Homeland Security Wants Social Media Sites to Expose Anti-ICE Accounts* (February 13, 2026) The New York Times, https://www.nytimes.com/2026/02/13/technology/dhs-anti-ice-social-media.html.

> (explaining that an administrative subpoena should be enforced unless "too indefinite," issued for an "illegitimate purpose," or unduly burdensome); *United States v. Morton Salt Co.*, 338 U.S. 632, 652 (1950) ("Of course a governmental investigation . . . may be of such a sweeping nature and so unrelated to the matter properly under inquiry as to exceed the investigatory power . . . [b]ut it is sufficient if the inquiry is within the authority of the agency, the demand is not too indefinite and the information sought is reasonably relevant."). As discussed further below, the Ninth Circuit has held that "[e]ven if these factors are shown by an agency, the subpoena will not be enforced if it is too indefinite or broad." *Peters v. United States*, 853 F.2d 692, 699 (9th Cir. 1988).[4]

This bill establishes the "Stopping Harmful Information Exploitation and Lawless Data Sharing Act," the SHIELD Act. It provides that social media accounts receiving these administrative subpoenas are required to provide notice to the individual whose personal information is requested. The platforms are required to provide such individuals with "sufficient time to respond to or challenge the administrative subpoena" before they respond. However, no specific time frame is identified.

The bill provides that, notwithstanding any other law, a social media company is prohibited from responding to such a subpoena if it is invalid for any of the following reasons:

- The information requested by the administrative subpoena is not related to any purpose lawfully authorized pursuant to the INA.
- The information requested by the administrative subpoena is irrelevant to the purpose described.
- The information requested by the subpoena is overly broad or compliance would be unduly burdensome.

The bill authorizes a social media company to respond if it determines that the subpoena is not invalid based on the above reasons. The Attorney General is authorized to bring an action for injunctive or declaratory relief against a platform in violation. In addition, an individual whose information has been shared in violation hereof may also bring a civil action for the same relief.

According to the author:

> Californians have the right to know when the federal government seeks access to their personal information. Secret data seizures undermine trust, chill free expression and expose vulnerable communities to harm. We must protect people's privacy and their right to free speech.

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[4] *United States v. Baass* (C.D.Cal. 2026) 2026 U.S. Dist. LEXIS 73143, *5-6.

> At a time of increased immigration enforcement across the country, many communities are living in fear. In response, people have increasingly turned to social media to stay informed and help keep one another safe. These platforms are used to track and crowdsource alerts about enforcement actions, as well as to share opinions, organize protests, and expose the behavior of ICE.
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> As these online networks have become vital tools for community protection and public accountability, they have also drawn increased scrutiny from the federal government. Administrative subpoenas are increasingly being used recently to obtain information about individuals who operate accounts that post about or criticize ICE. In some cases, social media companies have disclosed sensitive user information without providing prior notice that a subpoena was issued.
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> People should be able to use social media to stay informed and keep one another safe without worrying that their activity could result in retaliation from the federal government. No one in this state should be intimidated into silence out of fear that their personal information will be secretly shared with federal authorities.
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> SB 957 would ensure that users are notified when their information is requested and given an opportunity to challenge or respond to the request before it is disclosed. Californians deserve transparency. The SHIELD Act provides a fair and necessary safeguard to ensure that individuals have a real chance to defend their rights in the face of federal overreach.

While requiring notice to affected individuals and allowing some timeframe for them to challenge these administrative subpoenas seems well within the powers of the state, legal challenge is almost certain for the provisions of the bill that outright prohibit social media platforms from responding to these specific administrative subpoenas based on the platform's interpretation of federal law and the validity of subpoenas. While the state cannot be forced to enforce federal laws, it also cannot actively prohibit compliance.

Oakland Privacy writes in support:

> The disclosure requirement in SB 957 allows people to know when a non-judicial information request has been sent to a social media platform about them. Since these are not court proceedings based on any cause, there is no reason for them to be a secret for the subject, who may well have to make preparations. In attempting to ensure that a person's personal information is sent to an agency before they have a chance to respond or legally challenge the subpoena, the bill asks the social media

company to wait, but is not specific enough about how long they should wait. We recommend that the bill describe an interval between the date of notification and the date that a social media company can, if they wish, fulfill the administrative subpoena. Forty-five days seems reasonable.

SUPPORT

Oakland Privacy

OPPOSITION

None received

RELATED LEGISLATION

AB 1542 (Ward, 2026) prohibits, pursuant to the CCPA, a business, service provider, or contractor from selling or sharing the sensitive personal information of a consumer to a third party. AB 1542 is currently in the Assembly Privacy and Consumer Protection Committee.

SB 54 (De León, Ch. 495, Stats. 2017) *See* Comment 1.

AB 450 (Chiu, Ch. 492, Stats. 2017) *See* Comment 1.

AB 4 (Ammiano, Ch. 570, Stats. 2013) limited local law enforcement's cooperation with Immigration and Customs Enforcement for requests to hold or transfer individuals for immigration enforcement, but for certain circumstances.

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