

AMENDED IN SENATE JULY 3, 2024
AMENDED IN SENATE JUNE 24, 2024
AMENDED IN SENATE JUNE 3, 2024
AMENDED IN ASSEMBLY MAY 16, 2024
AMENDED IN ASSEMBLY APRIL 24, 2024
AMENDED IN ASSEMBLY APRIL 22, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2930

Introduced by Assembly Member Bauer-Kahan

February 15, 2024

An act to add Chapter 25 (commencing with Section 22756) to Division 8 of the Business and Professions Code, relating to artificial intelligence.

LEGISLATIVE COUNSEL'S DIGEST

AB 2930, as amended, Bauer-Kahan. Automated decision tools.

The Unruh Civil Rights Act provides that all persons within the jurisdiction of this state are free and equal and, regardless of their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status, are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

The California Fair Employment and Housing Act establishes the Civil Rights Department within the Business, Consumer Services, and

Housing Agency and requires the department to, among other things, bring civil actions to enforce the act.

Existing law, the California Consumer Privacy Act of 2018 (CCPA), grants to a consumer various rights with respect to personal information, as defined, that is collected by a business, as defined, including the right to request that a business delete personal information about the consumer that the business has collected from the consumer. Existing law, the California Privacy Rights Act of 2020, an initiative measure approved by the voters as Proposition 24 at the November 3, 2020, statewide general election, amended, added to, and reenacted the CCPA. The CCPA establishes the California Privacy Protection Agency with full administrative power, authority, and jurisdiction to implement and enforce the CCPA.

This bill would, among other things, require, as prescribed, a deployer, as defined, and a developer of an automated decision tool, as defined, to perform an impact assessment on any automated decision tool before the tool is first deployed and annually thereafter that includes, among other things, a statement of the purpose of the automated decision tool and its intended benefits, uses, and deployment contexts. The bill would require a deployer or developer to provide the impact assessment to the California Privacy Protection Agency within 30 days of a request by the agency and would punish a violation of that provision with an administrative fine of not more than \$10,000 to be recovered in an administrative enforcement action brought by the agency. The bill would exempt an impact assessment from the California Public Records Act, as specified.

This bill would require the California Privacy Protection Agency to, by January 1, 2027, establish a staggered schedule that identifies when each state government deployer, as defined, is required to comply with specified deployer requirements for each deployed automated decision tool. The bill would require full compliance by January 1, 2031. The bill would require a state government deployer to, by January 1, 2026, provide to the agency a list of automated decision tools initially deployed before January 1, 2025.

This bill would require a deployer to, prior to an automated decision tool making a consequential decision, as defined, or being a substantial factor, as defined, in making a consequential decision, notify any natural person that is subject to the consequential decision that an automated decision tool is being used and to provide that person with specified information. The bill would require a deployer that has deployed an

automated decision tool to make, or be a substantial factor in making, a consequential decision concerning a natural person, to provide to the natural person, among other things, an opportunity to correct any incorrect personal data. The bill would, if a consequential decision is made solely based on the output of an automated decision tool, require a deployer to, if technically feasible, accommodate a natural person's request to not be subject to the automated decision tool and to instead be subject to an alternative selection process or accommodation, as prescribed.

This bill would prohibit a deployer from using an automated decision tool if an impact assessment identifies a reasonable risk of algorithmic discrimination, which the bill would define to mean the condition in which an automated decision tool contributes to unlawful discrimination, including differential treatment or impacts disfavoring people based on their actual or perceived race, color, ethnicity, sex, religion, age, national origin, limited English proficiency, disability, veteran status, genetic information, reproductive health, or any other classification protected by state or federal law, until that risk has been mitigated. The bill would also prohibit a developer from making available to potential deployers an automated decision tool until the risk of algorithmic discrimination has been mitigated.

This bill would authorize certain public attorneys, including the Attorney General, and the Civil Rights Department to bring a civil action against a deployer or developer for a violation of the bill and would authorize a court to award, only in an action for a violation involving algorithmic discrimination, a civil penalty of \$25,000 per violation. The bill would require a public attorney or the Civil Rights Department to, before commencing an action for injunctive relief, provide 45 days' written notice to a deployer or developer of the alleged violations of the bill and would provide a deployer or developer a specified opportunity to cure those violations, if the deployer or developer provides the person who gave the notice an express written statement, under penalty of perjury, that the violation has been cured and that no further violations shall occur. By expanding the scope of the crime of perjury, this bill would impose a state-mandated local program.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the

interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

This bill would declare that its provisions further the purposes and intent of the California Privacy Rights Act of 2020.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 25 (commencing with Section 22756)
2 is added to Division 8 of the Business and Professions Code, to
3 read:

4
5 CHAPTER 25. AUTOMATED DECISION TOOLS
6

7 22756. As used in this chapter:

8 (a) "Algorithmic discrimination" means the condition in which
9 an automated decision tool contributes to unlawful discrimination,
10 including differential treatment or impacts disfavoring people
11 based on their actual or perceived race, color, ethnicity, sex,
12 religion, age, national origin, limited English proficiency, disability,
13 veteran status, genetic information, reproductive health, or any
14 other classification protected by state or federal law.

15 (b) "Artificial intelligence" means an engineered or
16 machine-based system that varies in its level of autonomy and that
17 can, for explicit or implicit objectives, infer from the input it
18 receives how to generate outputs that can influence physical or
19 virtual environments.

20 (c) "Automated decision tool" means an artificial intelligence
21 system or service that makes a consequential decision, or is a
22 substantial factor in making consequential decisions.

23 (d) "Consequential decision" means a decision or judgment that
24 has a legal, material, or similarly significant effect on an
25 individual's life relating to access to government benefits or

1 services, assignments of penalties by government, or the impact
2 of, access to, or the cost, terms, or availability of, any of the
3 following:

4 (1) Employment with respect to all of the following:

5 (A) Pay or promotion.

6 (B) Hiring or termination.

7 (C) Automated task allocation that limits, segregates, or
8 classifies employees for the purpose of assigning or determining
9 material terms or conditions of employment.

10 (2) Education and vocational training as it relates to all of the
11 following:

12 (A) Assessment or placement.

13 (B) Detecting student cheating or plagiarism.

14 (C) Accreditation.

15 (D) Certification.

16 (E) Admissions or enrollment.

17 (F) Discipline.

18 (G) Evaluation.

19 (H) Financial aid or scholarships.

20 (3) Housing or lodging, including rental or short-term housing
21 or lodging.

22 (4) All of the following essential utilities:

23 (A) Electricity.

24 (B) Heat.

25 (C) Water.

26 (D) Internet or telecommunications access.

27 (E) Transportation.

28 (5) Family planning.

29 (6) Adoption services, reproductive services, or assessments
30 related to child protective services.

31 (7) Health care or health insurance, including mental health
32 care, dental, or vision.

33 (8) Financial services, including a financial service provided
34 by a mortgage company, mortgage broker, or creditor.

35 (9) All of the following aspects of the criminal justice system:

36 (A) Risk assessments for pretrial hearings.

37 (B) Sentencing.

38 (C) Parole.

39 (10) Legal services.

40 (11) Private arbitration.

1 (12) Mediation.

2 (13) Voting.

3 (e) “Deployer” means a person, partnership, local government
4 agency, developer, corporation, or any contractor or agent of those
5 entities, that uses an automated decision tool to make a
6 consequential decision.

7 (f) “Developer” means a person, partnership, state or local
8 government agency, or corporation that designs, codes, or produces
9 an automated decision tool, or substantially modifies an artificial
10 intelligence system or service for the intended purpose of making,
11 or being a substantial factor in making, consequential decisions,
12 whether for its own use or for use by a third party.

13 (g) “Impact assessment” means a documented risk-based
14 evaluation of an automated decision tool that meets the criteria of
15 Section 22756.1.

16 (h) “Sex” includes pregnancy, childbirth, and related conditions,
17 gender identity, intersex status, and sexual orientation.

18 (i) “State government deployer” means a state government
19 agency that uses an automated decision tool to make a
20 consequential decision.

21 (j) “Substantial factor” means an element of a decisionmaking
22 process that is capable of altering the outcome of the process.

23 (k) “Substantial modification” means a new version, new release,
24 or other update to an automated decision tool that materially
25 changes its uses, intended uses, or outcomes.

26 (l) “Unlawful discrimination” means any act that violates Section
27 51 of the Civil Code, any act that constitutes an unlawful practice
28 or unlawful employment practice under Part 2.8 (commencing
29 with Section 12900) of Division 3 of Title 2 of the Government
30 Code, or any other practice or act that otherwise violates a state
31 or federal law against discrimination.

32 22756.1. (a) (1) Subject to paragraph (2), a deployer shall
33 perform an impact assessment on any automated decision tool
34 before the tool is first deployed and annually thereafter.

35 (2) (A) With respect to an automated decision tool that a
36 deployer first used prior to January 1, 2025, the deployer shall
37 perform an impact assessment on that automated decision tool
38 before January 1, 2026, and annually thereafter.

1 (B) This subdivision does not require a deployer to perform an
2 impact assessment on an automated decision tool before using it
3 if all of the following are true:

4 (i) The deployer uses the automated decision tool only for its
5 intended use as determined by the developer of the automated
6 decision tool.

7 (ii) The deployer does not make any substantial modifications
8 to the automated decision tool.

9 (iii) The developer of the automated decision tool has performed
10 any impact assessment on the automated decision tool required by
11 subdivision (c).

12 (iv) The developer of the automated decision tool has provided
13 documentation to the deployer pursuant to Section 22756.3.

14 (b) A deployer shall ensure that an impact assessment prepared
15 pursuant to subdivision (a) includes all of the following:

16 (1) A statement of the purpose of the automated decision tool
17 and its intended benefits, uses, and deployment contexts.

18 (2) A description of all of the following:

19 (A) The personal characteristics or attributes that the automated
20 decision tool will measure or assess.

21 (B) The method by which the automated decision tool measures
22 or assesses those attributes or characteristics.

23 (C) How those attributes or characteristics are relevant to the
24 consequential decisions for which the automated decision tool will
25 be used.

26 (D) The automated decision tool's outputs.

27 (E) How outputs are used to make, or be a substantial factor in
28 making, a consequential decision.

29 (3) A summary of the categories of information collected from
30 natural persons and processed by the automated decision tool when
31 it is used to make, or be a substantial factor in making, a
32 consequential decision, including, but not limited to, all of the
33 following:

34 (A) Each category of personal information identified by
35 reference to the applicable subparagraph enumerated under
36 paragraph (1) of subdivision (v) of Section 1798.140 of the Civil
37 Code.

38 (B) Each category of sensitive personal information identified
39 by reference to the applicable paragraph and subparagraph

1 enumerated under subdivision (ae) of Section 1798.140 of the Civil
2 Code.

3 (C) Each category of information related to a natural person's
4 receipt of sensitive services, as defined in Section 56.05 of the
5 Civil Code, identified by reference to the specific category of
6 sensitive service enumerated in the definition.

7 (4) A statement of the extent to which the deployer's use of the
8 automated decision tool is consistent with or varies from the
9 statement required of the developer by Section 22756.3.

10 (5) An analysis of the risk of algorithmic discrimination,
11 including adverse impacts on the basis of sex, race, color, ethnicity,
12 religion, age, national origin, limited English proficiency, disability,
13 veteran status, genetic information, or any other classification
14 protected by state or federal law, resulting from the deployer's use
15 of the automated decision tool.

16 (6) A description of the safeguards implemented, or that will
17 be implemented, by the deployer to address any reasonably
18 foreseeable risks of algorithmic discrimination arising from the
19 use of the automated decision tool. The description must address
20 all of the following:

21 (A) Whether the automated decision tool could be modified to
22 mitigate the risk of algorithmic discrimination.

23 (B) Whether effective accommodations can be provided for any
24 limitations on accessibility.

25 (C) Whether less discriminatory procedures or methods could
26 be employed to mitigate the risk of algorithmic discrimination.

27 (7) A description of how the automated decision tool will be
28 used by a natural person, or be monitored when it is used
29 autonomously, to make, or be a substantial factor in making, a
30 consequential decision.

31 (8) A description of how the automated decision tool has been
32 or will be evaluated for validity, reliability, and relevance.

33 (c) (1) Subject to paragraph (2), a developer, before making an
34 automated decision tool that it designs, codes, or produces available
35 to potential deployers, shall perform an impact assessment on the
36 automated decision tool and annually thereafter.

37 (2) With respect to an automated decision tool that a developer
38 first made available to potential deployers before January 1, 2025,
39 the developer shall perform an impact assessment on the automated
40 decision tool before January 1, 2026, and annually thereafter.

1 (d) A developer shall ensure that an impact assessment prepared
2 pursuant to subdivision (c) includes all of the following:

3 (1) A statement of the purpose of the automated decision tool
4 and its intended benefits, uses, and deployment contexts.

5 (2) A description of the automated decision tool's outputs and
6 how they are used to make, or be a substantial factor in making,
7 a consequential decision.

8 (3) A summary of the categories of information collected from
9 natural persons and processed by the automated decision tool when
10 it is used to make, or be a substantial factor in making, a
11 consequential decision, including, but not limited to, all of the
12 following:

13 (A) Each category of personal information identified by
14 reference to the applicable subparagraph enumerated under
15 paragraph (1) of subdivision (v) of Section 1798.140 of the Civil
16 Code.

17 (B) Each category of sensitive personal information identified
18 by reference to the applicable paragraph and subparagraph
19 enumerated under subdivision (ae) of Section 1798.140 of the Civil
20 Code.

21 (C) Each category of information related to a natural person's
22 receipt of sensitive services, as defined in Section 56.05 of the
23 Civil Code, identified by reference to the specific category of
24 sensitive service enumerated in the definition.

25 (4) An analysis of the risk of algorithmic discrimination,
26 including adverse impacts on the basis of sex, race, color, ethnicity,
27 religion, age, national origin, limited English proficiency, disability,
28 veteran status, genetic information, or any other classification
29 protected by state or federal law, resulting from the deployer's use
30 of the automated decision tool.

31 (5) A description of the measures taken by the developer to
32 mitigate the risk of algorithmic discrimination arising from the
33 use of the automated decision tool.

34 (6) A description of how the automated decision tool can be
35 used by a natural person, or be monitored when it is used
36 autonomously, to make, or be a substantial factor in making, a
37 consequential decision.

38 (7) A description of how the automated decision tool has been
39 evaluated for validity, reliability, and relevance.

1 (e) A deployer or developer shall perform, as soon as feasible,
2 an impact assessment with respect to any substantial modification
3 to an automated decision tool.

4 (f) This section does not apply to a deployer with fewer than
5 55 employees unless the deployer used an automated decision tool
6 that impacted more than 999 people during the previous calendar
7 year.

8 22756.2. (a) (1) Prior to an automated decision tool making
9 a consequential decision, or being a substantial factor in making
10 a consequential decision, a deployer shall notify any natural person
11 that is subject to the consequential decision that an automated
12 decision tool is being used.

13 (2) A deployer shall provide to a natural person notified pursuant
14 to this subdivision all of the following:

15 (A) A statement of the purpose of the automated decision tool.

16 (B) Contact information for the deployer.

17 (C) A plain language description of the automated decision tool
18 that includes all of the following:

19 (i) The personal characteristics or attributes that the automated
20 decision tool will measure or assess.

21 (ii) The method by which the automated decision tool measures
22 or assesses those attributes or characteristics.

23 (iii) How those attributes or characteristics contribute to the
24 consequential decision.

25 (iv) The format and structure of the automated decision tool's
26 outputs.

27 (v) How those outputs are used to make, be a substantial factor
28 in making, a consequential decision.

29 (vi) A summary of the most recent impact assessment performed
30 on the automated decision tool.

31 (D) Information sufficient to enable the natural person to request
32 to be subject to an alternative selection process or accommodation,
33 as applicable, in lieu of the automated decision tool, as provided
34 in subdivision (b).

35 (b) (1) If a consequential decision is made solely based on the
36 output of an automated decision tool, a deployer shall, if technically
37 feasible, accommodate a natural person's request to not be subject
38 to the automated decision tool and to instead be subject to an
39 alternative selection process or accommodation.

1 (2) After a request pursuant to paragraph (1), a deployer may
2 reasonably request, collect, and process information from a natural
3 person for the purposes of identifying the person and the associated
4 consequential decision. If the person does not provide that
5 information, the deployer shall not be obligated to provide an
6 alternative selection process or accommodation.

7 (c) A deployer that has deployed an automated decision tool,
8 to make, or be a substantial factor in making, a consequential
9 decision concerning a natural person, ~~the deployer~~ shall provide
10 to the natural person all of the following:

11 (1) A simple and actionable explanation that identifies the
12 principal factors, characteristics, ~~logic~~ *logic*, and other information
13 related to the individual that led to the consequential decision.

14 (2) The role that the automated decision tool played in the
15 decisionmaking process.

16 (3) The opportunity to correct any incorrect personal data that
17 the automated decision tool processed in making, or as a substantial
18 factor in making, the consequential decision.

19 (d) All notices and other communications described in this
20 section shall be all of the following:

21 (1) Transmitted directly to the subject of the consequential
22 decision when possible, or else made available in a manner
23 reasonably calculated to ensure that the subjects of consequential
24 decisions receive actual notice.

25 (2) Provided in English, in any non-English language spoken
26 by at least 1 percent of the population of this state as of the most
27 recent United States Census, and in any other language that the
28 deployer regularly uses to communicate with the subjects of
29 consequential decisions.

30 (3) Written in clear and plain language.

31 (4) Made available in formats that are accessible to people who
32 are blind or have other disabilities.

33 (5) Otherwise presented in a manner that ensures the
34 communication clearly and effectively conveys the required
35 information to subjects of the relevant consequential decisions.

36 22756.3. (a) A developer shall provide a deployer with the
37 results of any impact assessment performed on an automated
38 decision tool that the developer sells, licenses, or otherwise
39 transfers to the deployer, along with documentation describing all
40 of the following:

1 (1) The intended uses of the automated decision tool.

2 (2) The known limitations of the automated decision tool,
3 including any reasonably foreseeable risks of algorithmic
4 discrimination arising from its intended use.

5 (3) The type of data used to program or train the automated
6 decision tool.

7 (4) How the automated decision tool was evaluated for validity
8 and explainability before sale or licensing.

9 (5) The deployer's responsibilities under this chapter.

10 (6) Any technical information necessary for a deployer to fulfill
11 their obligations under Section 22756.2.

12 (b) This section does not require the disclosure of trade secrets,
13 as defined in Section 3426.1 of the Civil Code. *To the extent that*
14 *a developer withholds information pursuant to this section, the*
15 *developer shall notify the deployer and provide a basis for the*
16 *withholding.*

17 22756.4. (a) (1) A deployer or developer shall establish,
18 document, implement, and maintain a governance program that
19 contains reasonable administrative and technical safeguards
20 designed to map, measure, and manage the reasonably foreseeable
21 risks of algorithmic discrimination associated with the use or
22 intended use of an automated decision tool.

23 (2) The safeguards required by this subdivision shall be
24 appropriate to all of the following:

25 (A) The use or intended use of the automated decision tool.

26 (B) The deployer's or developer's role as a deployer or
27 developer.

28 (C) The size, complexity, and resources of the deployer or
29 developer.

30 (D) The nature, context, and scope of the activities of the
31 deployer or developer in connection with the automated decision
32 tool.

33 (E) The technical feasibility and cost of available tools,
34 assessments, and other means used by a deployer or developer to
35 map, measure, manage, and govern the risks associated with an
36 automated decision tool.

37 (b) The governance program required by this section shall be
38 designed to do all of the following:

1 (1) (A) Designate at least one employee to be responsible for
2 overseeing and maintaining the governance program and
3 compliance with this chapter.

4 (B) (i) An employee designated pursuant to this paragraph shall
5 have the authority to assert to the employee's employer a good
6 faith belief that the design, production, or use of an automated
7 decision tool fails to comply with the requirements of this chapter.

8 (ii) An employer of an employee designated pursuant to this
9 paragraph shall conduct a prompt and complete assessment of any
10 compliance issue raised by that employee.

11 (2) Identify and implement safeguards to address reasonably
12 foreseeable risks of algorithmic discrimination resulting from the
13 use or intended use of an automated decision tool.

14 (3) If established by a deployer, provide for the performance of
15 impact assessments as required by Section 22756.1.

16 (4) If established by a developer, provide for compliance with
17 Sections 22756.2 and 22756.3.

18 (5) Conduct an annual and comprehensive review of policies,
19 practices, and procedures to ensure compliance with this chapter.

20 (6) Maintain for five years after completion the results of an
21 impact assessment.

22 (7) Evaluate and make reasonable adjustments to administrative
23 and technical safeguards in light of material changes in technology,
24 the risks associated with the automated decision tool, the state of
25 technical standards, and changes in business arrangements or
26 operations of the deployer or developer.

27 (c) This section does not apply to a deployer with fewer than
28 55 employees unless the deployer used an automated decision tool
29 that impacted more than 999 people during the previous calendar
30 year.

31 22756.5. A deployer and developer shall make publicly
32 available, in a readily accessible manner, a clear policy that
33 provides a summary of both of the following:

34 (a) The types of automated decision tools currently in use or
35 made available to others by the deployer or developer.

36 (b) How the deployer or developer manages the reasonably
37 foreseeable risks of algorithmic discrimination that may arise from
38 the use of the automated decision tools it currently uses or makes
39 available to others.

1 22756.6. (a) If an impact assessment performed by a deployer
2 pursuant to Section 22756.1 identifies a reasonable risk of
3 algorithmic discrimination, the deployer shall not use the automated
4 decision tool until the risk has been mitigated.

5 (b) If an impact assessment performed by a developer pursuant
6 to Section 22756.1 identifies a reasonable risk of algorithmic
7 discrimination under deployment conditions reasonably likely to
8 occur in this state, the developer shall not make the automated
9 decision tool available to potential deployers until the risk has been
10 mitigated.

11 22756.7. (a) A state government deployer shall, by January
12 1, 2026, provide the California Privacy Protection Agency a list
13 of automated decision tools initially deployed prior to January 1,
14 2025, by the state government deployer. The list shall identify all
15 of the following:

16 (1) Each automated decision tool deployed by the state
17 government deployer.

18 (2) The role of each automated decision tool in making
19 consequential decisions.

20 (3) The population affected by each automated decision tool.

21 (b) The California Privacy Protection Agency shall, by January
22 1, 2027, establish a staggered schedule that identifies when each
23 state government deployer shall comply with Sections 22756.1,
24 22756.2, 22756.3, 22756.4, 22756.5, and 22756.6 for each
25 automated decision tool deployed by the state government
26 deployer.

27 (1) The schedule established by the agency shall prioritize
28 compliance for automated decision tools used by state government
29 deployers with the highest risk for algorithmic discrimination,
30 including civil rights violations and other discriminatory outcomes.

31 (2) The schedule established by the agency shall require full
32 compliance by each state government deployer by January 1, 2031.

33 (3) A state government deployer that fails to comply with the
34 requirements of this chapter as specified in the schedule established
35 by the agency may be subject to enforcement by the agency, as
36 authorized in Sections 22756.8 and 22756.9.

37 22756.8. (a) The Civil Rights Department may investigate a
38 report of algorithmic discrimination or any other violation of this
39 chapter.

1 (b) (1) Upon receiving a request from the California Privacy
2 Protection Agency, a deployer or a developer shall, within 30 days
3 of the request, provide any impact assessment that it performed
4 pursuant to this chapter to the California Privacy Protection
5 Agency.

6 (2) The disclosure of an impact assessment pursuant to this
7 subdivision does not constitute a waiver of any attorney-client
8 privilege or work-product protection that might otherwise exist
9 with respect to the impact assessment and any information
10 contained in the impact assessment.

11 (3) (A) An impact assessment disclosed to the California
12 Privacy Protection Agency pursuant to this chapter, or that is
13 subsequently shared by the California Privacy Protection Agency
14 with another agency or department, shall be exempt from the
15 California Public Records Act (Division 10 (commencing with
16 Section 7920.000) of Title 1 of the Government Code).

17 (B) No provision of this chapter shall be construed to require
18 the disclosure of trade secrets, as defined in Section 3426.1 of the
19 Civil Code. *To the extent that a developer or deployer withholds*
20 *information pursuant to this chapter, the developer or deployer*
21 *shall notify the relevant entity or natural person and provide a*
22 *basis for the withholding.*

23 (4) A deployer or developer who violates this subdivision shall
24 be liable for an administrative fine of not more than ten thousand
25 dollars (\$10,000) per violation in an administrative enforcement
26 action brought by the California Privacy Protection Agency.

27 (5) Each day on which an automated decision tool is used for
28 which an impact assessment has not been submitted pursuant to
29 this subdivision shall give rise to a distinct violation of this
30 subdivision.

31 (c) The California Privacy Protection Agency may provide an
32 impact assessment it receives to any of the following public entities
33 to assist that entity in initiating or litigating a civil action:

34 (1) The Attorney General in the name of the people of the State
35 of California.

36 (2) A district attorney, county counsel, or city attorney.

37 (3) A city prosecutor in any city having a full-time city
38 prosecutor, with the consent of the district attorney.

39 (4) The Civil Rights Department.

22756.9. (a) (1) Any of the following public entities may bring a civil action against a deployer or developer for a violation of this chapter:

(A) The Attorney General in the name of the people of the State of California.

(B) A district attorney, county counsel, or city attorney for the jurisdiction in which the violation occurred.

(C) A city prosecutor in any city having a full-time city prosecutor, with the consent of the district attorney.

(D) The Civil Rights Department.

(2) A court may award in an action brought pursuant to this subdivision all of the following:

(A) Injunctive relief.

(B) Declaratory relief.

(C) Reasonable attorney's fees and litigation costs.

(D) Only in an action for a violation involving algorithmic discrimination, a civil penalty of twenty-five thousand dollars (\$25,000) per violation.

(b) (1) A public attorney, or the Civil Rights Department, before commencing an action pursuant to this section for injunctive relief, shall provide 45 days' written notice to a deployer or developer of the alleged violations of this chapter.

(2) (A) The developer or deployer may cure, within 45 days of receiving the written notice described in paragraph (1), the noticed violation and provide the person who gave the notice an express written statement, made under penalty of perjury, that the violation has been cured.

(B) If the developer or deployer cures the noticed violation and provides the express written statement pursuant to subparagraph (A), a claim for injunctive relief shall not be maintained for the noticed violation.

22756.10. It shall be unlawful for a deployer, state government deployer, or developer to retaliate against a natural person for that person's exercise of rights provided for under this chapter.

22756.11. This chapter does not apply to cybersecurity-related technology, including technology designed to detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activities or any illegal activity, preserve the integrity or security of systems, or investigate, report, or prosecute those responsible for those actions.

1 22756.12. The rights, remedies, and penalties established by
2 this chapter are cumulative and shall not be construed to supersede
3 the rights, remedies, or penalties established under other laws,
4 including, but not limited to, Chapter 6 (commencing with Section
5 12940) of Part 2.8 of Division 3 of Title 2 of the Government Code
6 and Section 51 of the Civil Code.

7 SEC. 2. The Legislature finds and declares that Section 1 of
8 this act, which adds Chapter 25 (commencing with Section 22756)
9 to Division 8 of the Business and Professions Code, imposes a
10 limitation on the public's right of access to the meetings of public
11 bodies or the writings of public officials and agencies within the
12 meaning of Section 3 of Article I of the California Constitution.
13 Pursuant to that constitutional provision, the Legislature makes
14 the following findings to demonstrate the interest protected by this
15 limitation and the need for protecting that interest:

16 In order to protect proprietary information, it is necessary that
17 trade secrets disclosed in impact assessments to agencies and
18 departments pursuant to Section 1 of this act remain confidential.

19 SEC. 3. The Legislature finds and declares that this act furthers
20 the purposes and intent of the California Privacy Rights Act of
21 2020.

22 SEC. 4. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.