



CALIFORNIA NEWSPAPER PUBLISHERS ASSOCIATION
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March 20, 2009

Honorable Gloria Romero
California State Senate
State Capitol, Room 2090
Sacramento, CA 95814

RE: Sponsor SB 359 (Romero)

Dear Senator Romero:

The California Newspaper Publishers Association is pleased to sponsor your SB 359, which would comprehensively update the alphabetical and descriptive index of code sections that can provide a basis for nondisclosure of public records under the California Public Records Act (CPRA).

In 1998, CNPA sponsored SB 143 by then-Sen. Quentin Kopp to add an alphabetical index of the many code sections upon which an agency can rely to justify nondisclosure of particular records (Gov. C. Sec. 6275 et seq.). Sen. Kopp and CNPA thought the index would become a valuable tool for requesters and custodians of public records alike because of the interesting structure of the CPRA. Many provisions of the law that may provide a basis for nondisclosure of a record are contained within the “four corners” of the law, with most found in Sec. 6254. Subdivision (k) of that section, however, additionally allows nondisclosure of records “exempted or prohibited pursuant to federal or state law” These laws are found throughout the codes, from Agriculture to Welfare and Institutions.

The index has proven to be a valuable tool for determining whether the record must be disclosed. We congratulate you and Legislative Counsel for accomplishing an exhaustive review and update of the index to ensure it is as accurate as possible. It is important to note that your bill does not establish any new exemption or create any new law. Nor does the bill impose any costs. It merely updates the index to ensure that it remains a valuable tool for persons requesting records and agencies responding to requests. SB 359 promotes government transparency and efficiency of government agencies in responding to requests for public records.

CNPA looks forward to working with you and stakeholders to ensure the swift passage and the governor’s signature approval of this important bill.

Sincerely,

Thomas W. Newton
CNPA General Counsel

cc: Anthony Allegretti, CNPA President, President/CEO, MainStreet Media Group, Gilroy
Harold W. Fuson, Jr., CNPA Governmental Affairs Committee Chairman, Executive V.P., Copley Press, Inc.
Jack Bates, CNPA Executive Director
James W. Ewert, CNPA Legal Counsel
Senate Judiciary Committee Chief Counsel, Gloria Megino-Ochoa