


<p>California Department of Justice CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION Chris Cademarti, Acting Chief/CIO</p> 	<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i> Updated California Value's Act's Database Guidance</p>	<p><i>No.</i> 23-01-CJIS</p>	<p><i>Contact for information:</i> Client Services Program dojcsp@doj.ca.gov</p>
	<p><i>Date:</i> 10-27-2023</p>	

TO: ALL CHIEFS OF POLICE, SHERIFFS, and EXECUTIVES OF CALIFORNIA LAW ENFORCEMENT AGENCIES

This Information Bulletin (IB) provides updated guidance to California state and local law enforcement agencies (collectively, California LEAs) regarding the governance of databases under Senate Bill (SB) No. 54 (De León; 2017-2018 Regular Session) (“the Values Act” or SB 54) and supplements the previous IB 18-10-CJIS. Specifically, this IB provides updated guidance regarding specific databases to ensure information is limited for immigration enforcement purposes to the fullest extent practicable and consistent with federal and state law. California LEAs are strongly encouraged to review and update their existing database governance policies consistent with this guidance and that in IB 18-10-CJIS.

1. OBLIGATIONS UNDER SB 54

As discussed more fully in IB 18-10-CJIS, California LEAs are reminded that subject to certain exceptions described below, SB 54 prohibits California LEAs from providing personal information about an individual for immigration enforcement purposes, including, but not limited to, the individual’s home address or work address. (Gov. Code, § 7284.6, subd. (a)(1)(D) [emphasis added].) “Personal information” means “any information that is maintained by an agency that identifies or describes an individual, including, but not limited to, his or her name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history” (Civ. Code, § 1798.3, subd. (a).)

SB 54 does not prohibit California LEAs from exchanging information regarding a person’s immigration status with federal immigration authorities. (Gov. Code, § 7284.6, subd. (e), citing 8 U.S.C. §§ 1373, 1644.) The disclosure of all other personal information that does not encompass information regarding a person’s citizenship or immigration status, including a person’s home address or work address, is prohibited from disclosure unless that information is:

- (1) publicly available;
- (2) provided in response to a request from immigration authorities for information about a specific person’s criminal history, including previous criminal arrests, convictions, or similar criminal history information accessed through the California Law Enforcement Telecommunications System (CLETS), where otherwise permitted by state law; or
- (3) confidential information shared as part of a joint law enforcement task force when, among other things, the primary purpose of that task force is not immigration enforcement.

(Gov. Code, § 7284.6, subd. (a)(1)(D) and (b)(2), (3).)¹

¹ Other laws may prohibit the sharing of confidential data during a joint investigation, but they are beyond the scope of this bulletin.

2. ACCESSING DATA FROM THE CA DOJ OR THROUGH CLETS

In response to a report issued by the California State Auditor,² California LEAs that access data from the CA DOJ or through CLETS, and/or allow other agencies to access this data, are reminded that they should ensure that any such access complies with the limitations on information sharing set forth in SB 54. The below data and databases are identified so that California LEAs can take steps to govern the use of non-criminal history information that they may download and access to ensure that access complies with the sharing limitations set forth in SB 54.

Accessing the FBI's National Crime Information Center (NCIC) License Plate Data Extract File

Authorized law enforcement agencies can access license plate data in the FBI's NCIC system. To access this extract via Secure File Transfer, a California LEA must enter into a Memorandum of Understanding (MOU) with the CA DOJ. The MOU details requirements for usage, including the above SB 54 statutory requirements, as well as making sure the Agency is responsible for using the NCIC data for law enforcement purposes only. It also requires local databases to be updated as the FBI updates become available, ensuring that those numbers deleted from the NCIC system are also deleted from all local databases.

Additionally, the MOU outlines specific requirements to address confidentiality, use of information, data ownership and information security. If your agency is interested in being authorized to obtain the NCIC license plate data, please contact dojcsp@doj.ca.gov.

Accessing CA DOJ License Plate Data

California LEAs may obtain license plate data from the CA DOJ to be used for law enforcement purposes only. The DOJ makes three files containing license plate data available for download to authorized California LEAs via the California Law Enforcement Web (CLEW) website at <https://clew.doj.ca.gov>. These files are the SVS Stolen Vehicles Table, SVS Felony Vehicles Table and SVS Stolen License Plates Table (collectively referred to as the "SVS download").

In order to receive authorization to access these files, agencies must complete the CLEW License Plate Data Download Usage Agreement form and e-mail it to dojcsp@doj.ca.gov. The e-mail must be initiated by the agency head (e.g., Sheriff, Police Chief), agency CLETS coordinator, or agency security point of contact, and include the California LEAs public facing IP address on the CLEW License Plate Data Usage Agreement form. Once an agency is authorized, they will be allowed to download the above mentioned SVS Tables. Agencies must also abide by the User Terms and Conditions on CLEW, which includes notification regarding SB 54 and the restriction on using non-criminal history information for immigration enforcement purposes.

Even where the sharing of license plate data may be for a permitted purpose under SB 54, all agencies should be aware that there are strict privacy limitations on the sharing of license plate reader data under Senate Bill (SB) No. 34 (Hill; 2015-2016 Regular Session) (SB 34), and should consult Bulletin #XXXX prior to making any determination on the sharing of such information.

² The full report is available at <https://www.auditor.ca.gov/reports/2019-118/index.html>.

Data Downloaded from the California Law Enforcement Website (CLEW)

In addition to the files mentioned above, California LEAs may download other data files from CLEW, including Missing Person files. The downloading and use of the data must be in compliance with SB 54. As stated above, agencies must also abide by the User Terms and Conditions on CLEW, which includes notification regarding SB 54 and the restriction on using non-criminal history information for immigration enforcement purposes.

Accessing Information through CLETS

As mentioned in IB 18-10-CJIS, and consistent with federal and state law, California LEAs need to ensure that non-criminal history information contained within databases accessed through CLETS, other DOJ criminal justice information systems, as well as California LEAs' individual databases should not be used for the purpose of immigration enforcement.

In addition to IB 18-10-CJIS, the CLETS Policies, Practices and Procedures (PPP), revised (12/19), also reaffirms that California LEAs must ensure compliance with SB 54. In accordance with the CLETS PPP, California LEAs must comply with SB 54 and cannot share non-criminal history information within the databases accessed through CLETS for immigration enforcement purposes, except for purposes consistent with 8 U.S.C. § 1373 and § 1644. (CLETS PPP, 1.6.1 (D)(2)(f).)

3. ADDITIONAL REFERENCE MATERIALS

Going forward, as your agency accesses CA DOJ file downloads or other information through CLETS, you are encouraged to regularly review your policies and usage to help ensure all applicable requirements are adhered to. As additional reference materials, the following resources are included for your consideration as well:

- **California State Auditor's Report, 2019-118**
"ALPRS: To Better Protect Individuals' Privacy, Law Enforcement Must Increase Its Safeguards for the Data it Collects"
<https://www.auditor.ca.gov/reports/2019-118/index.html>
- **DOJ Information Bulletin, 18-10-CJIS**
"California Values Act's Database Guidance"
https://oag.ca.gov/sites/all/files/agweb/pdfs/info_bulletins/18-10-cjis.pdf
- **California Law Enforcement Telecommunications System, (CLETS), Policies, Practices and Procedures (PPP), revised (12/19)**
<https://clew.doj.ca.gov/system/files/publications/clets-ppp.pdf>
- **DOJ Information Bulletin, 2023-DLE-06**
"California Automated License Plate Reader Data Guidance"
<https://oag.ca.gov/info-bulletins>

For questions about this Information Bulletin, please contact the Client Services Program at dojcsp@doj.ca.gov.

Sincerely,

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For ROB BONTA
Attorney General