

ASSEMBLY BILL

No. 165

Introduced by Assembly Member Cooper

January 13, 2017

An act to add Section 49052 to the Education Code, relating to privacy.

LEGISLATIVE COUNSEL'S DIGEST

AB 165, as introduced, Cooper. Privacy: electronic communications: exclusions: local educational agencies.

Existing law, the Electronic Communications Privacy Act, prohibits a government entity, as defined, from compelling the production of, or access to, electronic communication information or electronic device information, as defined, without a search warrant, wiretap order, order for electronic reader records, or subpoena issued pursuant to specified conditions, except for emergency situations, as defined. That law also specifies the conditions under which a government entity may access electronic device information by means of physical interaction or electronic communication with the device, such as pursuant to a search warrant, wiretap order, or consent of the owner of the device.

This bill would end the application of the Electronic Communications Privacy Act to a local educational agency, as defined, or an individual acting for or on behalf of a local educational agency.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. Section 49052 is added to the Education Code,
- 2 to read:
- 3 49052. (a) Chapter 3.6 (commencing with Section 1546) of
- 4 Title 12 of Part 2 of the Penal Code shall not apply to a local
- 5 educational agency or an individual acting for or on behalf of a
- 6 local educational agency.
- 7 (b) “Local educational agency” means a county office of
- 8 education, school district, or charter school.

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