

**COUNTY OF SAN DIEGO, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

**Subject**

Protecting Personally Identifiable Information

**Policy  
Number**

A-131

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**Purpose**

To provide guidelines for the disclosure, in compliance with the California Public Records Act, of personally identifiable information about members of the public and County employees. For purposes of this policy, personally identifiable information means any information in any format that could reasonably be used to identify a person including, but not limited to, name, address, e-mail address, Social Security number, birth date, or any other combination of information. (“PII”) The policy is intended to strike an appropriate balance between the objectives of open government and the protection of the privacy rights of individuals.

**Background**

The right to privacy is expressly established in the California Constitution, article 1, section 1. However, the privacy of individuals is increasingly at risk due to the ever more widespread collection of PII by both the private and public sector. In addition, the ability to collate, sort, cross-reference, and compare information through computerized means known as "data-mining" facilitates the creation of comprehensive data bases that can reveal much about an individual's private life.

The California Public Records Act (Act) provides that information collected and maintained by a public agency for the conduct of the public's business is a public record and, unless there is an applicable exemption, shall be open for review and disclosure to members of the public upon request. Exemptions to the disclosure requirements are expressly recognized in the Act. One exemption, known as the "personal privacy" exemption, provides that certain types of information may be kept confidential by a public agency where the disclosure would constitute an unwarranted invasion of personal privacy (Gov. Code, § 6254(c), to be renumbered § 7927.700 effective January 1, 2023). In addition, records may be withheld from public disclosure where the public interest in withholding such records clearly outweighs the public interest in disclosure. (Gov. Code, §§ 6254(a) and 6255, to be renumbered § 7922.000 and § 7927.500, respectively, effective January 1, 2023.)

These exemptions clearly indicate that under the Act, the County may disclose – but is not required to disclose – PII to the public. Without a County policy, the decision to disclose PII is made on a case-by-case basis by the particular department responsible for the records. Therefore, this policy is necessary to make clear to County officials and employees that they should deny, after consultation with County Counsel, requests for disclosure of PII if the information requested by the public is exempt from disclosure under the Act.

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Nothing in this policy is to be construed to limit or prohibit County officials and employees from acting in conformity with the provisions of the Act and other laws governing personal information with respect to disclosing or maintaining the confidentiality of PII.

**Policy**

In the absence of any provision of law to the contrary, including the provisions of the Act, PII is to be handled by County officials and employees in accordance with the following guidelines. County officials and employees should consult with County Counsel prior to determining whether to disclose or not to disclose PII based upon the application of these guidelines and State and federal law.

1. Individuals do not lose their right to privacy merely because PII about them is collected, maintained, and used by the County.
2. PII in the possession of the County that is exempt from disclosure under the Act is not to be disclosed, unless otherwise required by law or unless the individual whose records are at issue provides express written consent to their disclosure.
3. The County Office of Ethics and Compliance shall appoint a privacy officer to serve County departments that do not have a designated privacy officer.
4. All County officials and departmental personnel assigned to respond to requests under the Act should be familiar with the requirements of this Policy.

**Sunset Date**

This policy shall be reviewed for continuance by December 31, 2029.

**CAO Reference**

1. County Counsel

**BOARD ACTION:**

5/11/99 (29)

5/16/06 (16)

1/30/07 (4)

12/09/08 (33)

11/17/15 (26)

11/15/22 (22)

REVISION DATE