

Initial Statement of Reasons

Title 13, Division 1, Chapter 1

Article 5.0 – Requesting Information from the Department

Vehicle Code section 1810 authorizes the department to permit inspection of information from its records concerning the registration of a vehicle or information from the files of driver's licenses. Vehicle Code section 1810 also allows the department to adopt regulations establishing the process by which a requester provides to the department information that identifies the requester and requires an indication of the reason for which the information is requested. The department issues requester codes for commercial purposes, such as auto auctions, dealers, financial institutions, and process servers. The department also issues governmental requester codes to entities such as the federal, state, city, and county government and used by attorney general, district attorney, public defenders. Upon verification of the information, the department issues either a commercial requester code or a government requester code. As part of the application process, the requester is also required to implement procedures to ensure the privacy of the information contained in the department's records.

The current regulations require government requesters to complete a Government Requester Account Application, form INF 1130. This form is used by federal, state, and local agencies to access information related to the employee pull notice program, vehicle/vessel information, driver's license information, and occupational licensing information.

The department is proposing to amend the form INF 1130 and adopt a new form called the Government Requester Account Application for California Courts, Tax Collectors, and Parking/Toll Agencies, form INF 1130A. Currently, a government requester completes two forms prior to being issued a requester code, while entities who are requesting access to update the department's records complete three forms. The department has determined that consolidating forms and separating the courts, tax collectors and parking/toll agencies – those being the agencies that are authorized to update the department's records - from other government requesters will streamline the application process by allowing for quicker application processing for both update and non-update entities, while also reducing confusion in the application process and reducing paper waste. There will be instances where an entity has more than one requester code. This will likely occur when an entity needs access for different purposes, such as when one group or division will only require access to view a record while another will need access to update the records.

The department anticipates this action will benefit the residents of California by ensuring governmental entities applying for a requester account have robust procedures in place to ensure the information accessed will be maintained in a secure manner and only by those employees who are authorized to access and review the information.

CONSIDERATION OF ALTERNATIVES

The department must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the department, would be more effective in

carrying out the purpose for which this action is proposed, would be as effective and less burdensome to affected private persons than the action proposed, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

§ 350.06. Governmental Entity's Application for a Requester Code.

The purpose of Section 350.06 is to establish the application process for an entity requesting a government requester account.

Subsection (a) is amended to remove language requiring the application form to be submitted to the department's Information Services Branch in Sacramento. This amendment is necessary as the Information Services Branch no longer processes the form INF 1130. Furthermore, as the department transitions more services to an online environment, removing reference to a specific departmental branch will remove confusion at the time of application. Subsection (a) is further amended to update the revision date of the Governmental Requester Account Application, form INF 1130 to 4/2023.

Subsections (a) through (m) identified components of the form INF 1130. The department has made significant revisions to the form INF 1130. Identifying all the revisions in the regulation would cause the rule to be unnecessarily cumbersome. For this reason, the department has determined it would be clearer to incorporate the form INF 1130 by reference.

Government Requester Account Application, form INF 1130

The form INF 1130 is used by government entities requesting access to the department's records. The form INF 1130 is used by applicants representing federal, state, city, county, and special district entities. The form is separated into two parts. The first part requires the applicant to provide information related to the agency requesting access and the purposes for which information will be accessed. The second part of the form contains the agreement that describes the department's information privacy, information use, and audit requirements.

Section 1 – Type of Application.

This portion of the form requires the applicant to provide an indication of whether the application is an original, a renewal, or making changes to an existing requester code. This information is necessary to ensure the department creates or updates the requester information in the manner consistent with the application.

Section 2 – Agency Information

This portion requires the applicant to provide the name of the agency, the address, the telephone number, email address, and the location where records will be stored. This information is necessary to link the new requester code to the applicant agency.

Section 3 – Type of Agency

This portion requires the applicant to provide an indication of whether they represent a federal, state, city, county, or special district agency. This information is necessary for the department to

verify access as only government entities are authorized issuance of a government requester code.

Section 4 - Access Method(s)

Section 4 requires the applicant to identify the method by which it wants to receive records. The options available is paper/hardcopy, secure file transfer protocol, direct access, or CLETS. This information is necessary to ensure the department transmits the record in the manner requested by the government entity

Section 5 – Purpose of Account

This section requires the applicant to provide an indication of whether the records will be vehicle/vessel registration, driver’s license/identification card, occupational license, or financial responsibility, and whether the residence address for each of these options is required to perform the function. This information is necessary to ensure the department grants access to the appropriate database.

Part II of the form is the agreement and contains guidelines the requester is expected to comply with to ensure the records accessed are retrieved, stored, and destroyed in a manner that maintains both the privacy of the information and the integrity of the departments records and databases.

Section 6 – General Provisions

Section 6 contains eleven provisions related to the agreement between the department and the applicant.

- Provision 1 establishes the terms used in the agreement. This provision is necessary to clearly establish the terms used in the agreement.
- Provision 2 establishes the term of the agreement is forty-eight months from the date of approval and renewable every forty-eight months thereafter. This provision is necessary to clearly establish the term of the agreement.
- Provision 3 establishes the agreement is subject to any restrictions, limitations, or provisions enacted by the California State Legislature which may affect the provisions or terms set forth herein. Provision 3 also establishes that the requester is required to comply with the applicable statutes of the Vehicle Code, Title 13 of the California Code of Regulations, and Title 18 of the United States Code. This provision is necessary to identify the California statutes and other provisions governing the requester program.
- Provision 4 establishes that no alteration or variation of the terms of the agreement shall be valid unless made in writing and signed by both parties hereto. No oral understanding or agreement, not incorporated herein, shall be binding on either party.
- Provision 5 establishes that the requester shall not represent themselves as agents/employees of the department. This provision is necessary to ensure the public is not intentionally misled to believe the requester is a representative of the department.
- Provision 6 applies to federal government and out-of-state agencies/requesters and establishes that the requester agrees to pay for any loss, liability or expense, including attorney fees, expert witness fees and court costs, which arises out of or relates to the requester’s acts or omissions regarding its obligations hereunder, where a final determination of liability on the part of the requester is established by a court of law or

where settlement has been agreed to by the requester. This provision is necessary to clearly establish the entity responsible to pay fees for any loss, liability or expense that arises out of the requester's acts or omissions regarding its obligations.

- Provision 7 establishes that the agreement is not assignable by the requester, either in whole or in part, without prior written consent by the department. This provision is necessary to make clear that a requester number is not transferrable without written consent from the department. Access to a requester code involves adherence to rules designed to ensure the integrity of department records and to maintain the privacy personal identifying information contained in those records.
- Provision 8a establishes that any promotional or informational material related to accessing the department's records shall be accurate and consistent with the terms of the agreement and shall only contain factual statements relating to the purpose and condition of access. This provision is necessary to ensure promotional material or informational material does not contain information that is inaccurate or misleading to the public.
- Provision 8b establishes that the requester shall not use the department's logogram in any advertising or other agency business materials used in the business of the requester. Provision 8b also establishes that any advertising shall neither state nor imply that there is any official connection between the department and the requester, or that the department has sanctioned or approved of either the advertisement or the requester's service. This provision is necessary to make clear there shall be no intentional or unintentional misrepresentation that the requester is affiliated with the department through the use of the department's logo.
- Provision 9a establishes that the authorized representative, designee responsible of the administration of the account, the DMV contact person, agency address, or any other changes of information occurring part 1 of the agreement, notification shall be submitted in writing within ten business days on the form INF 1130. This provision is necessary to ensure the department is provided with updated information as soon as practicable and has determined that 10 days is sufficient time for the requester to provide the department with information while not unnecessarily obstructing the requester's day to day operations.
- Provision 9b establishes the requester shall notify the Information Policy and Liaison Section in writing within ten business days of any intended or actual closure of the government agency requester account. This provision is necessary to ensure the department terminates access at the appropriate time and will prevent unauthorized access to department records.

Section 7 – Information Use

Section 7 of the agreement identifies provision related to acceptable information use practices.

- Provision 1 establishes the requester shall not use department records for any purpose except for that which has been approved by the department in Part 1. This provision is necessary to make clear the department records are only to be used for the approved reason identified on the application form.
- Provision 2 establishes that, when a non-law enforcement agency receives information from the department records that indicates a vehicle or vessel has a Department of Justice "stop", the requester shall immediately notify local law enforcement of its location, if known. A stop on a driving record is an indication that the Department of Justice has

identified that vehicle as a potential stolen or felony vehicle within its record in the stolen vehicle system. The requester is required to contact the Department of Justice to help in the recovery of stolen or felony vehicles.

- Provision 3 establishes that, pursuant to Chapter 17.25 of the Government Code that prohibits federal, state, or local law enforcement agencies from using any non-criminal history information contained within these databases for immigration enforcement purposes. This provision is necessary to establish that the requester is required to comply with the California Values Act, commencing with Government Code section 7284.

Section 8 – General Security Requirements

Section 8 of the agreement identifies provisions related to the general security requirements. The provisions adopted in Section C of the INF 1130 will ensure the personal information contained in the department's records are used in a manner that protects the information from the unauthorized access or viewing of information.

- Provision 1 establishes that the requester shall maintain the security and integrity of the information it receives. A violation of any provision(s) of the agreement, whether by omission or commission, may result in suspension or termination of service to requester. This provision is necessary to make the requester aware that if the security of departmental records is not maintained, the department will have the authority to suspend or terminate the requesters access to records.
- Provision 2 establishes the requester shall ensure compliance with all the security provisions of this agreement. If misuse or inappropriate access is suspected or confirmed, the requester shall notify the department's Information Policy and Liaison Section within one business day. This provision is necessary to ensure the requester is aware they are required to contact the department immediately after misuse is suspected. The expedited notification will allow the department a better opportunity to mitigate any potential breach.
- Provision 3 establishes that, in the event of any breach of the security of the requester's system or database containing the personal information of California residents, the requester shall bear all responsibility for providing notice of the breach to the affected residents. Provision 3 additionally requires the requester to comply with all federal and California state law, including all provisions of the California statutes and the California Code of Regulations. This provision is necessary to clearly inform the requester that they are responsible for bearing the costs of any breach that was caused within the requester's system or database and the processes required related to providing notice to affected individuals is contained in California statutes and in regulations.
- Provision 4a establishes the requester shall require every employee and the system administrator having direct or incidental access to department records to sign a copy of the Information security statement (INF 1128). The INF 1128 is required upon initial authorization for access to department records and annually thereafter. Provision 4a also establishes that the requester's signed statements shall be maintained on file at the requesters work site for at least two years following the deactivation or termination of the authorization and shall be available to the department upon demand. This provision is necessary to ensure that any person granted access to department records is aware and adheres to the department's rules related to information security and requires the requester to ensure the forms INF 1128 are maintained to serve as verification that the

person with access to records has acknowledged the department's information security provisions.

- Provision 4b establishes the requester shall restrict the use and knowledge of requester codes and operational manuals to employees who have signed an Information Security Statement (INF 1128). This provision is necessary to ensure an unauthorized employee does not gain access to the department's records.
- Provision 4c establishes that the requester shall maintain a current list of names of persons authorized to access department records. The list shall be available to the department upon demand. This provision is necessary as it provides a concise and expeditious method by which the department can identify persons authorized by the requester to access records.
- Provision 5 establishes that access terminals and modems shall not be left unattended while in active session unless secured by a locking device that prevents entry or receipt of information or are placed in a locked room that is not accessible to unauthorized persons. This provision makes clear the requester must implement standards to ensure access terminals and modems are not left unattended. These standards will prevent unauthorized access to department records.
- Provision 6 establishes that video terminals, printers, hardcopy printouts, or any other form of duplication of department approved records that are located in public access areas shall be placed so that the records shall not be viewed by the public or other unauthorized persons. This provision makes clear the requester must implement standards to ensure video terminals, printers and other duplication equipment are not located in a public area. These standards will prevent unauthorized access to and viewing of department records.
- Provision 7 establishes that all information received from the department's files must be destroyed once its legitimate use has ended. The method of destruction for the department's records will be conducive to the type of record requested and in a manner that cannot be reproduced or identified in any physical or electronic form. This provision makes clear the requester must implement standards to ensure files received from the department's databases are destroyed when its legitimate use has ended. These standards will prevent unauthorized access to and viewing of department records.
- Provision 8 establishes the requester shall not disclose its department assigned requester code, either orally or in writing, to anyone who is not in the direct employ of the requester and has not signed the form 1128 other than a department approved service provider. This provision is necessary to make clear that a requester code should be maintained as confidential. Maintaining the privacy of a requester code will ensure the department's records are not accessed by unauthorized individuals by a requester code holder either by knowingly or inadvertently disclosing the requester code.
- Provision 9 establishes that the requester shall not sell, retain, distribute, or provide or transfer any record information or portion of the record information acquired under the agreement except as authorized by the department. This provision is necessary to make clear the records of the department are only for use in the approved manner for which access is granted.

Section 9 – Residence Address Access Authority

Section 9 of the agreement identifies provisions related to residence address access authority. This section is necessary to ensure requesters put into place standards to ensure address information contained in the department’s records are kept confidential.

- Provision 1 establishes that the requester shall protect the confidentiality of any residence address received from department records pursuant to Vehicle Code section 1808.47 and requester’s employees shall not obtain or use any confidential or restricted records for any purpose for any purpose other than the reason set forth and authorized by the department. This provision is necessary to make a requester aware of their responsibility to comply with Vehicle Code section 1808.47 requiring any person who has access to confidential or restricted information from the department to establish procedures to protect the confidentiality of those records.
- Provision 2 establishes that a requester may release a residence or mailing address to an individual, other than an employee, who is acting on behalf of the requester provided an agreement acknowledging the confidentiality of a residence address information pursuant to Vehicle Code section 1808.47 is signed by the individual with whom the requester has contracted services.

Section 10 - Audit and Log Requirements

Section 10 of the agreement identifies provisions related to audits.

- Provision 1 establishes that requester’s documentation supporting the reason for inquiry, included but not limited to, transaction details, and computer software/programs maintained for the purposes defined in the agreement shall be subject to inspection, review, or audit by the department or its designee for a period of two years from the date of the request. Current regulation requires a requester to retain documents for a period of two years and requires, upon termination of a requester account, the requester to retain documents for a period of two years. The department has determined an audit reviewing documents for a period of two years is consistent with the retention requirements currently identified in Title 13 and will ensure the requester still has the required information under its control.
- Provision 2 establishes that the requester agrees to accommodate the department’s request for an inspection, review, or audit immediately upon request from the department or the department’s representative and to allow on-site audits during regular business hours. This provision is necessary to make clear at the time of application, that the requester is required to allow the department to conduct on-site audits. Audits are necessary to ensure requesters are maintaining documents in a secure manner as required by statute and regulations. On-site inspections will ensure the requester is aware it is their responsibility to allow for inspections during regular business hours.

Section 11 – Signature Requirements

Section 11 of the agreement identifies provisions related to signature requirements.

When the applicant signs the form INF 1130 certifying to the terms of the agreement, they will also certify to the signature requirements that reads as follows:

“I hereby acknowledge that I am an authorized representative of the agency named in Part I, Section B and have been designated as the person responsible for compliance with the statutes and regulations pertaining to access and use of department record information. I have read and agree to the provisions contained herein and shall be responsible for the orientation, training, and supervision of persons authorized to access department record information.

I understand that false or misleading answers are cause for denial of an agreement and/or termination of any access agreement granted. I understand that if this application for requester account is approved, I will be required to conform to the statements presented within. This agreement specifies the terms and conditions of our relationship. Any deviations will be considered by DMV as misuse and may result in both revocation of the account and refusal of subsequent applications. I understand that according to provisions of the California Vehicle Code section 1808.45, the willful, unauthorized disclosure of information from any department record for a purpose other than the one stated in the request, or the use of any false report to obtain information from any department record, or the sale or other distribution of the information to a person or organization not disclosed in the request is a misdemeanor, punishable by a fine not exceeding \$5,000 or by imprisonment in the county jail not exceeding one year, or both fine and imprisonment.

I understand that according to provisions of the California Vehicle Code section 1808.46, any person holding a requester code who directly or indirectly obtains information from the Department of Motor Vehicles using false representations or distributes restricted or confidential information to any person or uses the information for a reason not authorized or specified in this application is liable to the Department of Motor Vehicles for civil penalties up to \$100,000 and shall have their requester code privileges suspended for a period up to five (5) years or revoked.” . This certification language is necessary to identify the penalties associated with providing false or misleading answers and obtaining information from the department using false representations or for unauthorized reasons.

Section 12 – Certification

In Section 12, the applicant certifies or declares under penalty of perjury the foregoing is true and correct. In this section, the applicant prints name and title of government official or authorized representative, provides signature of government official or authorized representative, and indicates daytime telephone number, city, county, state, and date. This provision is necessary as a means for the applicant to indicate to the department that the information provided on the form is true and correct.

Subsection (b) required the applicant to provide the name of the governmental entity applying for a requester code. This information is still required; however, the form is being incorporated by reference so having that provision in regulation is no longer necessary. Subsection (b) is amended to require a governmental entity that is a court, a tax collector, or a parking/toll agency to submit a Government Requester Account Application for California Courts, Tax Collectors, and Parking/Toll Agencies, form INF 1130A. Due to the length of the form and the information contained therein, the department has determined it necessary to incorporate the form by

reference. Currently, the form INF 1130 is used for all law enforcement types, entities that only need update access will very often submit completed application packets to the wrong processing unit. This increases workload for the processing unit in erroneous receipt of the update application, increases inter-office mail activities resulting in increased workload and use of resources, adds potential for backlogged workload and lost documentation due to carrier/transportation mishandlings, and delays processing time. Separating the law enforcement entities that need update access from those that do not will streamline and shorten the review process and reduce paper waste.

Government Requester Account Application for California Courts, Tax Collectors, and Parking/Toll Agencies, Form INF 1130A (Rev. 9/2023)

Section 1 Type of Application

Section 1 requires the applicant to provide an indication of whether the application is an original, a renewal, or to make a change to an existing account. This information will ensure the department can process the application in a manner consistent with the application type.

Section 2 – Agency Information

Section 2 solicits contact information for the agency for which the application is being made. The information solicited in this section is necessary to ensure the department's records are updated accurately.

Section 2 requires the applicant to provide an indication as to whether the government agency is a federal, state, city, county, or a special district and a second indication of whether the entity updating records is a court, a tax collector, or a parking/toll agency.

Section 2 also requires information related to the name of the agency, the division or program of the agency, the agency address, telephone number, email address, and the address at which the agency will store records. This information is necessary to ensure the department has the correct contact information for circumstances where the department must make contact with the requester or when the department is transmitting information to the requester.

Section 3 – Purpose of Account

Section 3 requires the applicant to provide an indication of the level of access being requested. The applicant can select whether the application requests access to update department records and make inquiries or is solely for purposes of inquiry.

1. Update and Inquiry. When an agency is requesting access to update department records, the applicant is required to provide an indication of whether the updated records will be related to vehicle/vessel registration or driver's licenses/identification cards. The applicant is also required to provide an explanation related to the purpose of the update to records or the purpose of making an inquiry into department records. This information is necessary to ensure the department provides the requested access by allowing the requester to both update records and make record inquiries.

2. Inquiry Only. When an agency is requesting for authorization to request and obtain department record information in order to carry out the government functions, the applicant is required to

indicate whether the records being requested will be related to an occupational license or for information related to financial responsibility. The applicant is also required to provide an explanation related to the purpose of making an inquiry into department records and whether a residence address will be necessary to perform the governmental function. This information is necessary to ensure the department provides the requested access by allowing the requester to make record inquiries but prevent the requester from updating records.

Section 4 – Access Method(s)

This section is necessary to identify the method by which the applicant is requesting to receive information. The applicant can mark multiple options consisting of paper/hardcopy, Secure File Transfer, or Direct Access. The form INF 1130A identifies the response time for each method. Paper/hardcopy returns will take the longest to process and the applicant is asked to allow seven to fourteen days. The Secure File Transfer will be batched and sent overnight. Direct Access will allow the applicant immediate access to records but also requires a network connection. The form INF 1130A provides email contact information if the applicant has questions or concerns related to Secure File Transfers or Direct Access accounts.

Sections 5 through 10 are the agreements portion of the form that establishes general provisions, security and access requirements, and audit requirements. These sections are consistent with with the provisions adopted in Part II of the form INF 1130.

Section 11 of the agreement is only completed if the applicant agency uses an agent such as a data processing agent or service center to process parking or toll evasion citations. Section 11 also contains provisions that relate specifically to requesters that use an agent.

The applicant is required to provide an indication of the agent by providing the name of the sole owner, partnership, LLP, LLC, corporation, or association, including the physical address, the name of the agent contact person, telephone number, agent requester code, and email address. This provision is necessary for the department to verify the agent has completed the information security and privacy requirements required of a requester.

- Provision 1 establishes that the requester authorizes the agent to access department record information on its behalf in order to perform a specified business function. The agent, as evidence of the authorization, shall provide a copy of the authorization to the department and requires a copy of the agreement between the requester and the agent to be made available to the department upon request. This provision is necessary to ensure the department can verify that an agreement exists between the requester and the agent and to ensure the agent has completed the requirements related to the department information privacy procedures.
- Provision 2 establishes the requester acknowledges that misuse or compromise of their assigned requester code by the agent could result in inactivation of their regular requester code. The requester has the option of allowing the agent to use the requester's current requester code, or have a separate code issued for the agent activity. If a separate requester code is desired, a new application shall be completed and returned to the department and provides information to allow the requester to contact the department. This provision is necessary to make clear that, if the requesters agent misuses or compromises information contained in the department's records, the requesters code

could be deactivated. This notice will ensure the requester has appropriate controls in place to ensure the agent accesses information in an approved manner.

- Provision 3a establishes the requester acknowledges that utilizing an agent does not absolve the requester of any responsibility for compliance with the provisions of Section 1808.21 of the Vehicle Code. This provision is necessary to make clear the requester is responsible for ensuring its agent also adheres to the department's information privacy requirements.
- Provision 3b establishes the requester acknowledges that the information obtained cannot be used for the purposes of direct marketing and will instruct the agent of this restriction.
- Provision 4 establishes the requester agrees to notify the department in writing at least two weeks prior to terminating the services of the agent and provides the mailing address to which the notices are to be sent. This provision is necessary to ensure the department can terminate access at the appropriate to prevent the unauthorized access of department records.
- Provision 5 establishes that, if the requester becomes aware of misuse of department information by the agent, the requester must notify the department immediately. This provision is necessary to ensure the department is notified as quickly as possible to it can begin to take mitigating steps to ensure its records are secure.
- Provision 6 relates to residence address information and establishes that a requester acknowledges that, pursuant to Vehicle Code section 1808.21, any residence address contained within any DMV record is confidential information. This provision also establishes that the requester has read and understands the provision of Vehicle Code section 1808.47, which states, "Any person who has access to confidential or restricted information from the department shall establish procedures to protect the confidentiality of those records. If confidential or restricted information is released to any agent of a person authorized to obtain information, the person shall require the agent to take all steps necessary to ensure confidentiality and prevent the release of any information to a third party. No agent shall obtain or use a confidential or restricted records for any purpose other than the reason the information was requested."
- Provision 6 also establishes the requester understands, acknowledges, and will instruct agent that any failure to maintain confidentiality is both civilly and criminally punishable pursuant to Vehicle Code sections 1808.45 and 1808.46 and the federal Driver's Privacy Protection Act in 18 USC 2721-2725. This provision is necessary to reassert the importance of information privacy and cites applicable statutes.
- Provision 7 requires certification of the approved requester by indicating the city, county, and state where the application was executed at, as well as the printed and signed name of the authorized representative, their title, and the date of signature.

Section 12 – Certification

Section 12, the applicant certifies or declares under penalty of perjury the foregoing is true and correct. In this section, the applicant prints name and title of government official or authorized representative, provides signature of government official or authorized representative, and indicates daytime telephone number, city, county, state, and date. This provision is necessary as a means for the applicant to indicate to the department that the information provided on the form is true and correct.

DEPARTMENTAL DETERMINATIONS SUPPORTING GOVERNMENT CODE SECTIONS
11346.2(b)(3) THROUGH (b)(5)

Studies, Reports or Documents – Gov. Code Sec. 11346.2(b)(3)

- No studies, reports or other documents were relied upon.

Reasonable Alternatives and Department’s Response – Gov. Code Sec. 11346.2(b)(4)(A)

- No alternatives have yet been presented that would be as effective.

Reasonable Alternatives that Would Lessen Any Adverse Impact on Small Businesses – Gov.
Code Sec. 11346.2(b)(4)(B)

- No alternatives have yet been presented that would lessen any adverse impact on small business.

Evidence Supporting Determination of No Significant Adverse Economic Impact on Business –
Gov. Code Sec. 11346.2(b)(5)

- The department does not anticipate this action will have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

Cost or Savings to Any State Agency

- None.

Other Non-Discretionary Cost or Savings to Local Agencies

- None.

Costs or Savings in Federal Funding to the State

- None.

Cost Impact on Representative Private Persons or Businesses

- The department is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action. This proposed action does not have any costs associated with private persons.

Effect on Housing Costs

- None.

Local Agency/School District Mandates

- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

Small Business Impact

- This proposed action will not impact small businesses. Section 350.06 establishes an application process only for government requesters. There are no small businesses required to comply with Section 350.06.

Potential significant statewide adverse economic impact.

- The department does not anticipate any statewide adverse economic impact associated with this proposed action. This provision amends an application form and adopts a second application form. Neither of these amendments will have an economic impact.

ECONOMIC IMPACT ASSESSMENT (Government Code section 11346.3)

The department has made the following determinations related to this proposed regulatory action:

- Creation or Elimination of Jobs Within the State of California

This proposed action amends two forms used by entities applying for Government Requester Accounts. The rulemaking will neither create nor eliminate jobs within the State of California.

- Creation or Elimination of Existing Businesses Within the State of California

This proposed action amends two forms used by entities applying for Government Requester Accounts. The rulemaking will neither create nor eliminate existing businesses within the State of California.

- Expansion of Business Currently Doing Business Within the State of California

This proposed action amends two forms used by entities applying for Government Requester Accounts. The rulemaking will not expand businesses currently doing business within the State of California.

- Benefits of Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

This action is unlikely to impact the health of California residents, worker safety, or the state's environment. The department anticipates this action will benefit the welfare of California residents by adopting two forms that have been expanded to ensure entities with requester codes have in place robust procedures to ensure the safety and integrity of the information contained in the department's records.