

**IMPARTIAL ANALYSIS BY CITY ATTORNEY
MEASURE S**

City of Irvine

Irvine Personal Information Privacy Act

This ballot measure would enact voter-adopted regulations to protect individual privacy interests through the establishment of guidelines to assist the City in its determinations whether to disclose or withhold individuals' personal information – for example, names, home addresses, e-mail addresses and telephone numbers – upon a public request for such information.

This ballot measure provides that consistent with all applicable laws and regulations, including the United States and the California Constitutions and the California Public Records Act, the City shall attempt to preserve the privacy of individuals' personal information to the fullest extent possible and permissible. The measure would not authorize or allow the City to violate any applicable laws and regulations.

Currently, the City's responses to public requests for information are determined on a case-by-case basis. This ballot measure would not change the procedures already followed by the City. Existing law permits the City to withhold information in response to a request for disclosure where, on the basis of the facts and circumstances relating to the request, the City determines that the public interest in disclosure is outweighed by the public interest in nondisclosure.

This ballot measure recites the position of the people of the City of Irvine that individuals have a reasonable expectation of privacy as to certain personal information they provide to the City when that information is specifically requested by the City, when the City expressly states that it will use the information for a specific, limited purpose, and when the City also expressly states that the information will be maintained in confidence, and where the information is unrelated to the conduct of the City's official business and does not shed light on the City's actions or the performance of its duties and responsibilities. The ballot measure recites the further position of the people of Irvine that without the protection of privacy, individuals would be less willing to participate in City programs and services when the City requests that personal information be provided.

Finally, this ballot measure would limit the ability to amend or repeal the policy statement or the guidelines. If adopted, the provisions contained in the ballot measure could be subsequently amended by a four-fifths vote of the City Council, but only to the extent such amendments further or expand the intent and objectives of the measure. Otherwise, all other amendments or any proposed repeal of the measure must be approved by the voters to be effective.

s/ Philip D. Kohn
City Attorney

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