
CALIFORNIA PRIVACY PROTECTION AGENCY

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Date: April 25, 2025

To: California Privacy Protection Agency Board
(Meeting of May 1, 2025)

From: Maureen Mahoney, Deputy Director of Policy and Legislation

Subject: Agenda Item 3 — Legislative Update and Authorization of CPPA Positions on Pending Legislation. SB 470 (Laird), Bagley-Keene Open Meeting Act: teleconferencing, as amended April 10, 2025

SB 470, introduced by Senator John Laird, amends the Bagley-Keene Open Meeting Act (Bagley-Keene) to extend the existing provisions allowing state bodies to conduct public meetings via teleconference, including allowing members to participate in public meetings remotely under certain conditions, until 2030. These provisions are scheduled to sunset on January 1, 2026.¹ The bill has been approved by the California Senate Committees on Government Organization and the Judiciary and is now under consideration by the Senate Appropriations Committee. Because Bagley-Keene's teleconferencing provisions help encourage greater public participation in board meetings, staff recommends a support position on the bill.

Summary

Existing law, the Bagley-Keene Act, includes a number of requirements to foster the transparency of public meetings of state bodies such as the California Privacy Protection Agency Board. With respect to a five-member board, Bagley Keene permits up to two board members to participate at a public meeting remotely without making their location available to the public, with certain restrictions. For example:

- There must be a way for the public to participate remotely.
- The in-person meeting location must be on the agenda, as well as a teleconference phone number and an internet website or other online platform.
- The members of the state body must visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform.
- If a member of the state body attends the meeting by teleconference from a remote location, the member must disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the

¹ SB 470 (2025), https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202520260SB470.

member, and the general nature of the member's relationship with any such individuals.

If addition, if at least one board member is participating in person, additional board members can count towards the in-person quorum under specified circumstances below, including:

- If both of the following conditions are met:
 - The member has a need related to a physical or mental disability;
 - The member notifies the state body as soon as possible and provides a general description of the circumstances requiring them to participate remotely; and
- The body takes action to approve the exception.

Finally, if one or more board members are participating in person, additional board members can contribute to the quorum if they participate at a separate, publicly-available teleconference location that is open to the public.

These provisions sunset on January 1, 2026. This bill extends those provisions until 2030.

Analysis

The Bagley-Keene Open Meeting Act (Bagley-Keene), adopted in 1967, outlines the requirements by which state bodies hold public meetings. The law prioritizes transparency and facilitating public participation, including by stating that all meetings are open to the public. Bagley-Keene includes provisions governing meetings held by teleconference.

Pursuant to the COVID-19 crisis of 2020, on March 4, 2020, Governor Newsom signed an Executive Order that permitted state bodies to hold meetings exclusively by teleconference, which was temporarily codified in Bagley-Keene, and extended in December 2021.² The temporary codification expired December 31, 2022. In June 2022, the Governor signed SB 189, which included a temporary exemption to Bagley-Keene allowing public meetings to be held by teleconference.³ The exemption was in effect until June 30, 2023. SB 544 (2023), also authored by Senator Laird, went into effect on January 1, 2024, and created the existing framework, which among other provisions allows board members to participate remotely without making their location available to the public if a quorum is participating in person.⁴

The Agency Board was established in November 2020 and meets regularly pursuant to the Bagley-Keene Open Meeting Act. Upon its inception, the Board met via online video conference, pursuant to Governor Newsom's Executive Order and the subsequent temporary codification. After the expiration of the temporary

² State of California Executive Order N-23-21 (Dec. 16, 2021), <https://www.gov.ca.gov/wp-content/uploads/2021/12/12.16.21-ETS-Readoption-and-Shareholder-Meeting-EO.pdf>

³ SB 189 (2022), https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB189.

⁴ SB 544 (2023), https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB544.

codification in December 2022, the Board held several in-person meetings. The Board resumed fully remote meetings after SB 189 went into effect July 1, 2022, until it expired on June 30, 2023. Since SB 544 went into effect on January 1, 2024, the CPPA has relied on the remote participation option so that it can meet to consider issues in a timely manner.

The Agency is committed to fostering robust public engagement in its meetings. In the Agency's view, permitting state bodies to meet fully remotely is the best way to support meaningful participation, based on the high public participation in our online public meetings. Since COVID-19 and the spread of other life-threatening viruses has continued to make it difficult to meet in person, particularly for people who are at higher medical risk, it is appropriate that state agencies have the discretion to hold virtual public meetings.

In 2022, the Agency Board held two days of online pre-rulemaking Informational Sessions, and the Agency welcomed pre-rulemaking comments from the public over three days of online Stakeholder Sessions. All of these meetings were well-attended by remote videoconference participants — with anywhere from one hundred to several hundred virtual attendees at every meeting — and allowed input from stakeholders from all over the state.

When the Board is required to meet in person, it is more difficult to foster meaningful participation. For example, at an April 4, 2025 meeting of the CPPA Board, held in a state building in San Francisco, only a handful of members of the public showed up in person while many more attended online via videoconference. It is not surprising that many more members of the public chose to attend online, because it is much easier for those juggling work, family, and other responsibilities to attend remotely. Further, it allows Californians who live in other parts of the state to join.

In-person meeting requirements also make it difficult for the Agency to proceed with its work on behalf of the public. They compromise Board diversity, making it difficult for those at higher medical risk, with childcare needs, or transportation difficulties to participate as members of the Board. If members are ill, then the Board may have to cancel the meeting, and be unable to move forward with important matters affecting the public.

The state can rely on commercial platforms like Zoom and YouTube for public meetings without compromising user privacy. The Agency allows members of the public to join meetings held via online video conference pseudonymously without identifying themselves by name or log in. In addition, Agency staff use a modified, more privacy-preserving method of embedding video content for video streaming platforms such as YouTube on the CPPA website.⁵ This privacy-preserving implementation was created in the 2000s and allows government agencies to take advantage of the platform while reducing the privacy exposure of its viewers.

⁵ YouTube Help, Turn on privacy enhanced mode, (last visited April 23, 2025), <https://support.google.com/youtube/answer/171780?hl=en-GB#zippy=%2Cturn-on-privacy-enhanced-mode>.

While allowing state bodies to meet in a fully remote manner helps encourage the most robust public participation, nevertheless staff recommends supporting SB 470. In its current form, the bill allows board members to meet remotely if a quorum is present in person. Thus, the bill would support board diversity by better enabling those at higher medical risk to serve.

Recommendation: Support

Public Support/Opposition

Please note that these are positions registered on the introduced version of the bill, per the April 4, 2025 Senate Judiciary Committee analysis, and may not necessarily reflect positions on the April 10, 2025 version of the bill.⁶

Support

AARP
Alzheimer's Association
California Association of Licensed Investigators
California Coalition on Family Caregiving
California Commission on Aging
California Foundation for Independent Living Centers
California Long Term Care Ombudsman Association
Disability Rights California
Family Caregiver Alliance
LeadingAge California
Little Hoover Commission

Opposition

ACLU California Action
California Broadcasters Association
California Chamber of Commerce
California Common Cause
California News Publishers Association
CCNMA: Latino Journalists of California
First Amendment Coalition
Freedom of the Press Foundation
Howard Jarvis Taxpayers Association
League of Women Voters of California
Media Guild of the West
National Press Photographers Association
Orange County Press Club
Pacific Media Workers Guild, Local 39521
Radio Television Digital News Association

⁶ California Senate Judiciary Committee Analysis at 12 (April 4, 2025), https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202520260SB470.

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