

April 21, 2019

Assemblymember Laura Friedman
State Capitol
Room 2137
Sacramento, CA 95814

Dear Assemblymember Friedman:

We are a coalition of environmental and consumer groups writing to oppose AB 700, legislation to weaken the California Public Records Act (CPRA). This legislation would exempt from the CPRA much of the work product of California's public universities. We believe this legislation is likely to harm the environment, consumers, workers and public health.

California is the proud home of a wealth of public universities and colleges. The University of California system has more than 238,000 students and 190,000 faculty and staff on ten campuses and five medical centers. The California State University system is comprised of 23 campuses, with over 50,000 faculty and staff, and nearly half a million students. The California Community Colleges have 2.1 million students in 115 colleges.

It is unsurprising that in such large public institutions, sometimes things go wrong. And when they do, it is important for journalists and the public to have the tools they need to investigate.

At the present time, journalists and the general public can employ the CPRA to uncover a wide variety of scandals and wrongdoing that may occur on public university campuses.

We believe that requests under the CPRA for university documents -- including professors' correspondence -- are a crucial tool to unearth research misconduct and fraud, sexual harassment, financial improprieties and misallocation of funds, government waste, corporate influence in research process, the commercialization of the university, the influence of wealthy donors, and administrative cover-ups of all of the above.

We are especially concerned about the damaging effects of three provisions in the current draft of AB 700:

(1) The legislation contains a broad exemption for researchers' "correspondence", which in and of itself could eliminate public access via CPRA to much of the work product of California's public universities.

(2) The legislation would empower researchers to assert privilege to prevent disclosure of documents "on a case-by-case basis". This provision may provide another broad exemption to prevent the release of researchers' work product, and especially materials that may reflect badly on researchers or their university. The provision could be used by university employees to cover up wrongdoing that there is no legitimate reason to

shield from the public. The legislation provides no limits to this exemption, even in cases of fraud, corruption or sexual harassment.

(3) The legislation protects “limited sharing of information” by researchers, which is another broad exemption to public access via CPRA to the communications of university administrators, faculty and staff.

We deserve the right to know what our public universities and their researchers are doing with our tax dollars, and that right properly extends to inspecting the work of our taxpayer-paid employees, including those who work at public universities.

The CPRA is an essential part of Californians’ efforts to protect the environment, consumers and public health from myriad encroachments by state and local governments, and corporations. We oppose any efforts to weaken it, and are concerned that any successful attack on the CPRA could invite others, leading to a slippery slope that could diminish this crucial law in unforeseen ways, at cost to our health, our environment and our democracy.

We urge you to keep the CPRA strong, and to reject this effort to enable public university employees to evade accountability for their work.

Sincerely,

Center for Food Safety
Consumer Watchdog
Friends of the Earth
Greenpeace
Real Food Media
Organic Consumers Association
U.S. Right to Know