

## California Health and Safety Code

102231.

### Section (a)

Notwithstanding any other provision of law, birth data files, birth data files for public release, death data files for public release, and death data files for purposes of law enforcement or preventing fraud prepared and maintained by the State Registrar, local registrars, and county recorders shall only be released as follows:

- (1) Birth data files containing personal identifiers shall be subject to the same restrictions as the confidential portion of a birth certificate and shall only be released under the terms and conditions specified in Section 102430.
- (2) Birth data files for public release shall not contain the mother's maiden name.
- (3) Death data files for public release shall not contain the mother's maiden name and social security number.
- (4) Death data files for purposes of law enforcement or preventing fraud shall include the mother's maiden name and social security number. Death data files prepared pursuant to this subdivision may be released to governmental agencies and to those entities described in paragraph (4) of subdivision (c) of Section 102230.
- (5) ***Death data files containing personal identifying information may be released to persons expressing a valid scientific interest, as determined by the appropriate committee constituted for the protection of human subjects that is approved by the United States Department of Health and Human Services and has a general assurance pursuant to Part 46 (commencing with Section 46.101) of Title 45 of the Code of Federal Regulations.***

### Section (b)

***Requesters of birth and death data files pursuant to this section shall provide proof of identity, complete a form, and sign the form under penalty of perjury. The form shall include all of the following:***

- (1) ***An agreement not to release the birth or death data files and not to post the files on the Internet, except as permitted by this subdivision.***
- (2) ***An agreement not to provide public access to data files obtained pursuant to paragraphs (1) and (4) of subdivision (a).***
- (3) ***The proposed use of the data file.***
- (4) ***For data files obtained pursuant to paragraphs (1) and (4) of subdivision (a), the names of all persons within the organization, if applicable, who will have access to the data files.***
- (5) ***A disclaimer that credits any analyses, interpretations, or conclusions reached regarding the birth or death data files to the author and not to the State Department of Health Services.***
- (6) ***Assurance that technical descriptions of the data files are consistent with those provided by the State Department of Health Services.***
- (7) ***Assurance that the requester shall not sell, assign, or otherwise transfer the data files, except as permitted by subdivision (e).***
- (8) ***Assurance that the requester shall not use the data files for fraudulent purposes.***

Section (c)

Mail-in requests for birth and death data files pursuant to this section shall include a notarized statement attesting to the identity of the requester.

Section (d)

Birth and death data files provided pursuant to this section shall be made available subject to cost recovery provisions of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

Section (e)

- (1) Birth and death data files, and any portion thereof, obtained pursuant to this section, shall not be used for fraudulent purposes and shall not be posted on the Internet.
- (2) Notwithstanding paragraph (1), individual information contained in death data files obtained pursuant to paragraph (4) of subdivision (a) may be posted on the Internet if all of the following requirements are met:
  - (A) The information is posted on a Web site that is protected by a password.
  - (B) The information is posted on a Web site that is available to subscribers only for a fee.
  - (C) The information is not posted for public display.
  - (D) The information is available to subscribers pursuant to a contractual agreement.
  - (E) The information is posted for purposes of law enforcement or preventing fraud.
  - (F) A person or entity that obtains a birth or death data file, or any portion thereof, from a requester who has obtained the data file in accordance with subdivision (b) may not sell, assign, or otherwise transfer that data file, or any portion thereof, to any third party.
  - (G) This section shall be implemented only to the extent that funds for these purposes are appropriated by the Legislature in the annual Budget Act or other statute.

102232.

Section (a)

- (1) Any person who violates Section 102230 or 102231 may be denied further access to the indices or data files maintained by the department.
- (2) Any person who violates Section 102230 or 102231 is guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a period not to exceed one year, or a fine of one thousand dollars (\$1,000), or by both the imprisonment and fine, for each violation.
- (3) The penalties described in paragraphs (1) and (2) shall not be construed to limit any other remedies provided by law.

Section (b)

Notwithstanding Section 126 of the Penal Code, the crime of perjury specified in paragraph (4) of subdivision (b) of Section 102230, paragraph (6) of subdivision (c) of Section 102230, and subdivision (b) of Section 102231, shall be punishable as a

misdemeanor.

Section (c)

Paragraph (1) of subdivision (a) shall be implemented only to the extent that funds for these purposes are appropriated by the Legislature in the annual Budget Act or other statute.