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Subject: RE: Sierra Club v. Orange County
Date: Wednesday, July 10, 2013 12:22:06 PM

A brief synopsis on the decision:

There has been an ongoing dispute as to whether computer geographic information system (GIS) databases were exempt from California Public Records Act release or whether such databases fell within the “software” exception, permitting proprietary protection. On July 8, 2013 the State Supreme Court ruled in *Sierra Club v Orange County* that such databases, absent any other protections, were public records.

Orange County maintained a large database of information about land parcels in a (GIS) file format. With this database a user with appropriate software could create layered digital mapping including geographic boundaries, assessor parcel numbers, street addresses, and links to additional information on the parcel owners. The issue in the case was whether the database was subject to disclosure under the California Public Records Act or whether it was protected under the computer software exemption ([Gov.Code, § 6254.9, subd. \(a\)](#))—a term that “includes computer mapping systems”.

The State Supreme Court held that although the GIS mapping software falls within the statutory exclusion, the GIS-formatted database does not. Accordingly, such databases are public records that, unless otherwise exempt, must be produced upon request at the actual cost of duplication.

John

From: Crothers, Cathy@DWR
Sent: Tuesday, July 09, 2013 12:34 PM
To: DWR OCC
Subject: FW: Sierra Club v. Orange County

FYI,

Cathy Crothers, Chief Counsel

From: Baugh, Heather@CNRA
Sent: Tuesday, July 09, 2013 9:18 AM
To: Randolph, Liane@CNRA; Henigan, Anne@CALFIRE; Reeves, Bruce@DOC; Crothers, Cathy@DWR; Stevens, Chris@DeltaCouncil; Martin, Elaine@DeltaCouncil; 'Glenn Alex'; Schmeltzer, Hope@Coastal; Schwarzschild, Jeffrey@CCC; Lucchesi, Jennifer@SLC; McDowell, Kelli@Parks; 'Laurie Collins'; Sanchez, Margarita@Parks; Meier, Mark@SLC; Woods, Melinda@DWR; Levy, Michael@Energy; Tran, Muoi-Lynn@Energy; Woody, Pattie@CCC; Jackson, Carlie@CNRA; Woods, Melinda@DWR; Crothers, Cathy@DWR; Gibson, Thomas@Wildlife; Martin, Elaine@DeltaCouncil; Schulz, Penny@Parks; Levy, Michael@Energy; Shimazu, Stephanie@CALFIRE; Schulz, Penny@Parks; Babaran, Rita@Coastal; Davis, Ryan@Tahoe; Smith, Sandra@DOC; Ewbank, Sue@Tahoe; Gibson, Thomas@Wildlife; Petersen, Brian@Parks; Lucchesi, Jennifer@SLC; 'johnb@bcdc.ca.gov'; LeFlore, Claire@Parks

Cc: Randolph, Liane@CNRA

Subject: Sierra Club v. Orange County

The Supreme Court ruled yesterday that GIS databases are not exempt under the PRA. If you are interested in reading the case, you can find the opinion here:

<http://www.courts.ca.gov/opinions/documents/S194708.PDF>

Sincerely,

Heather Baugh