

# STATE SUPREME COURT RULES GEOGRAPHIC INFORMATION SYSTEM FILE IS A PUBLIC RECORD SUBJECT TO DISCLOSURE IN THAT FORMAT

Information presented to  
the Commission at the  
ATTORNEYS  
7-17-13 LAECO hearing

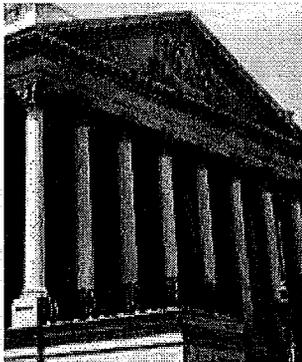


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## LEGAL ALERT

GIS-Formatted Database Did Not Meet Public Records Act's Definition of "Computer Software"

JULY 11, 2013



The California Supreme Court ruled this week that an electronic database, maintained in a geographic information system (GIS) file format, is a public record subject to disclosure in that format under the California Public Records Act. In *Sierra Club v. Superior Court*, the Court determined that a GIS-formatted database did not meet the Act's definition of "computer software" under Government Code section 6254.9, subdivision (b), which includes the term "computer mapping systems." While the Court found legislative history to be inconclusive on the matter, it relied upon the California Constitution's requirement to broadly construe the Public Records Act to the extent it furthers the public's right to access. The Court's ruling means that GIS-formatted databases, which are comprised of otherwise disclosable information under the Act, are public records subject to disclosure in GIS file format upon payment of the actual cost of duplication. Public agencies may not require licensing fees as a means to help offset the cost of developing and maintaining the databases.

Specifically at issue in *Sierra Club* was whether a large database comprised of information about land parcels, maintained by Orange County, was subject to disclosure under the Act in a GIS file format. Access in a GIS file format was desirable because it allowed a user with appropriate software to create a digital map with information for over 640,000 parcels in Orange County, including information regarding geographic boundaries, assessor parcel numbers, street addresses, and parcel owners. Petitioner Sierra Club requested a copy of the database pursuant to the Act and, while the County agreed to produce hard copies of records containing the same information found in the database, it refused to provide the information in GIS file format unless Sierra Club paid a licensing fee and agreed to certain licensing terms.

If you have any questions about this ruling or how it may impact your agency, contact attorney Kimberly Hood or paralegal Nancy Stubbs in the firm's Municipal Law practice group, or your BB&K attorney.

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## RELATED PRACTICE

- Education Law
- Municipal Law
- Public Records Act
- Special Districts

