



717 K Street
Suite 300
Sacramento, CA 95814
916.475.8417

Free Markets. Real Solutions.
www.rstreet.org

Sept. 22, 2017

Governor Edmund G. Brown Jr.
State Capitol, Office of the Governor
Sacramento, CA 95814

Re: Assembly Bill 1513 (Kalra)

Dear Governor Brown,

The R Street Institute must regretfully oppose A.B. 1513 **and requests your immediate veto of the measure**. R Street is a Washington, D.C.-based think tank with offices in Sacramento. R Street is focused in many areas of public policy, including individual privacy.

While government sometimes needs to have access to certain data pertaining to individuals in order to protect the public welfare, access to this information should be tightly regulated. Existing law allows for the Department of Social Services (“DSS”) to maintain a list of registered home health care aides, including their addresses and telephone numbers. Under A.B. 1513, this list would become available to certain governmental and nonprofit entities (including unions) that provide training and/or educational resources to these workers without the express consent of individuals on that list. Though an individual may opt out of having their personal information shared with other entities, it is necessary for them to take specific action to do so.

To be clear, R Street has no concern with DSS maintaining a personal information registry, which was created by A.B. 1217 of 2013. Instead, our concern stems from allowing DSS to disseminate the personal information of home health care aides unless they take specific action to opt out. The default option in these situations should always be to opt in, since an opt-in reflects an affirmative expression and understanding of compromised personal privacy. While an opt-out notice will be mailed out to all licensed home health care workers by July of next year, these can get lost in the mail or inadvertently thrown away. An existing requirement to be listed on the registry is that criminal background checks and medical clearance be approved. The registry is working to weed out potentially bad actors, with over 15,000 applications denied, revoked or closed since 2014. The ability of our seniors and disabled to live independently at home with minor assistance remains protected and is not enhanced by A.B. 1513.

Further and finally, a 2014 U.S. Supreme Court case {Harris v. Quinn} allowed home health care workers to decide for themselves whether or not to join a union. We are concerned that A.B. 1513 may be used to subvert the court's judgment in a manner that will lead to the exploitation of this information for purposes unrelated to the public's protection. The State of California should not be in the business of stripping people of their privacy for the gain of narrow interest groups. If unions, particularly public-employee unions, truly desire this information they should be made to file a Public Records Act request – just like everyone else.

Sincerely,

Steven Greenhut
Western Regional Director