

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 2/22/2017)

[Administrative Code - Non-Cooperation with Identity-Based Registry]

Ordinance amending the Administrative Code to prohibit the City from using resources to create, implement, provide investigation or information for, enforce, or otherwise assist or support any government program requiring the registration of individuals on the basis of religion, national origin, or ethnicity, or creating a database of individuals on the basis of religion, national origin, or ethnicity.

Existing Law

Current law does not regulate whether the City may provide information to other government entities regarding the religious affiliation, national origin, or ethnicity of any individual or assist other government entities in creating or enforcing a database or registry of individuals based on religious affiliation, national origin, or ethnicity. Current law prohibits the City from discriminating against any individual on the basis of religious affiliation, national origin, and ethnicity.

Amendments to Current Law

The proposed ordinance would prohibit any City entity, employee, or officer from, (1) using City resources to assist in any way with a government program that creates a list, database, or registry of individuals on the basis of religious affiliation, national origin, or ethnicity, or requires registration of individuals on the basis of religious affiliation, national origin, or ethnicity; and (2) disclosing to any government entity personal information regarding any individual for the purposes of creating a list, database, or registry of individuals on the basis of religious affiliation, national origin, or ethnicity. This would include prohibiting the City from making any City databases, including City databases maintained by private contractors, available for purposes of creating a registry based on religious affiliation, national origin, or ethnicity. The ordinance would also prohibit the City from creating a registry of individuals based on their religious affiliation, national origin, or ethnicity. The ordinance would not prohibit the City from collecting and storing information regarding national origin or ethnicity for purposes of compliance with anti-discrimination laws and the administration of public benefits programs, many of which require the collection of this information to ensure non-discrimination.

The Human Rights Commission is delegated authority to receive and investigate complaints of violations of the ordinance and to issue findings regarding any substantiated violation. Departments must report to the Board of Supervisors annually regarding compliance with the ordinance.

The proposed ordinance creates a private right of action against the City for an individual whose personal information has been disclosed in violation of the ordinance. A non-profit organization that has as its purpose the defense of immigrants' and ethnic minorities' rights also has standing to sue the City on behalf of aggrieved individuals. An individual plaintiff who prevails in a suit against the City may recover damages resulting from the violation as well as a \$5,000 civil penalty per violation. A non-profit plaintiff can recover a \$5,000 civil penalty per violation. But an individual and a non-profit cannot recover a penalty regarding the same violation. A prevailing plaintiff in a case against the City is entitled to recover reasonable attorney's fees and costs.

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