



The State Bar of California

OFFICE OF ADMISSIONS

Date: January 30, 2020

To: The Committee of State Bar Accredited and Registered Schools

From: Natalie Leonard, Principal Program Analyst, Law School Regulation

Subject: Law Student Data Privacy

In response to various updates to the Annual Report, including modifications to the demographic reporting categories, several members of the Committee of State Bar Accredited and Registered Schools (CSBARS) have expressed concerns about the possibility that student data submitted to the State Bar of California (State Bar) for regulatory purposes via the Annual Report may be subject to disclosure under the California Public Records Act (CPRA) if a request for such records was ever received by the State Bar.

The State Bar takes applicant and law student data privacy very seriously and is committed to safeguarding the private and confidential nature of sensitive demographic information collected for regulatory purposes. That policy is reflected in the language of Business and Professions Code 6060.25, which prohibits the disclosure of identifying or potentially identifying information submitted by an applicant to the State Bar. (Bus. & Prof. Code § 6060.25(a).)

Even prior to the enactment of section 6060.25, the State Bar defended the privacy of applicant data in *Sander v. State Bar of California*. (*Sander v. State Bar of Calif.* (2013) 58 Cal.4th 300.) The principle dispute in *Sander* was the confidentiality of de-identified aggregate data, rather than data that has the potential to identify an individual applicant. Nevertheless, the Court acknowledged that while disclosure of de-identified data does not necessarily implicate an applicant's privacy rights, identifying information obtained through a promise of confidentiality is not subject to the right of public access when the public interest would be furthered by maintaining confidentiality. (*Id.* at 325-326.)

The State Bar intends to maintain all demographic law student data that has the potential to identify an individual law student in the strictest of confidence and to use it only in connection with the accreditation, oversight, and regulation of California accredited law schools. As a result, it is the State Bar's position that law student data that has the potential to identify an individual law student is not subject to disclosure under the CPRA or other related public access laws.