

**State of California  
Office of Administrative Law**

**In re:**  
**Department of Justice**

**Regulatory Action:**

**Title 11, California Code of Regulations**

**Adopt sections:**

**Amend sections:** 310, 312, 999.1

**Repeal sections:**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2016-0525-03**

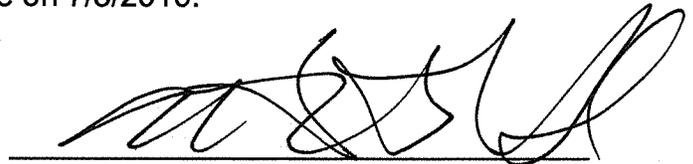
**OAL Matter Type: Regular (S)**

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In this regulatory action, the Department amends sections in Title 11 of the California Code of Regulations to provide circumstances under which confidential donor information may be disclosed. Further, the amendments add that the Registry of Charitable Trusts Fund shall be used to enforce the registration and reporting provisions.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/8/2016.

**Date:** July 8, 2016



**Thanh Huynh  
Senior Attorney**

**For:** Debra M. Cornez  
Director

**Original:** Kamala D. Harris

**Copy:** Melan Noble

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

# REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-2015-1201-07</b>	REGULATORY ACTION NUMBER <b>2016-0525-03S</b>	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

**JUL 08 2016**

1:38 PM

2016 MAY 25 P 1:32

OFFICE OF  
ADMINISTRATIVE LAW

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY Department of Justice	AGENCY FILE NUMBER (if any) DOJ-015-005
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**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE Superv. of Trustees and Fund. Charitable Purp. Act	TITLE(S) 11	FIRST SECTION AFFECTED 310	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Melan Noble	TELEPHONE NUMBER (916)322-0908	FAX NUMBER (Optional) (916)324-5033
<b>OAL USE ONLY</b> <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2015, 50-2	PUBLICATION DATE 12/11/2015	

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Confidentiality of Donor Information	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
<b>SECTION(S) AFFECTED</b> (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND Sections 310, 312, and 999.1
	REPEAL
TITLE(S) 11	

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
February 19, 2016 to March 7, 2016 per agency 7/8/16 TR

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify) _____			

7. CONTACT PERSON Melan Noble	TELEPHONE NUMBER (916) 322-0908	FAX NUMBER (Optional) (916) 324-5033	E-MAIL ADDRESS (Optional) Melan.Noble@doj.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 5.20.16
TYPED NAME AND TITLE OF SIGNATORY Nathan Barankin, Chief Deputy Attorney General	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

**JUL 08 2016**

Office of Administrative Law

**TITLE 11. LAW**  
**DIVISION 1. ATTORNEY GENERAL**  
**CHAPTER 4. REGULATIONS ADOPTED PURSUANT TO THE SUPERVISION OF**  
**TRUSTEES AND FUNDRAISERS FOR CHARITABLE PURPOSES ACT**

§ 310. Public Inspection of Charitable Trust Records.

(a) The register, copies of instruments and the reports filed with the Attorney General, except as provided in subdivision (b) and pursuant to Government Code section 12590, shall be open to public inspection at the Registry of Charitable Trusts in the office of the Attorney General, Sacramento, California, at such reasonable times as the Attorney General may determine. Such inspection shall at all times be subject to the control and supervision of an employee of the Office of the Attorney General.

(b) Donor information exempt from public inspection pursuant to Internal Revenue Code section 6104 (d)(3)(A) shall be maintained as confidential by the Attorney General and shall not be disclosed except as follows:

(1) In a court or administrative proceeding brought pursuant to the Attorney General's charitable trust enforcement responsibilities; or

(2) In response to a search warrant.

*Note: Authority cited: Sections 12587 and 12590, Government Code. Reference: Section 12590, Government Code.*

§ 312. Use of Annual Registration Fee.

Annual registration fees paid pursuant to Government Code section 12587 and section 311 of this chapter, and registration or renewal fees paid pursuant to Government Code sections 12599, 12599.1 and 12599.2, and the Registry of Charitable Trusts Fund established pursuant to Government Code section 12587.1, shall be used solely to operate and maintain the Attorney General's Registry of Charitable Trusts, to and provide public access via the Internet to reports filed with the Registry of Charitable Trusts in the office of the Attorney General, Sacramento, California, and to enforce the registration and reporting provisions.

*Note: Authority cited: Sections 12586 and 12587, Government Code. Reference: Sections 12585, 12586, 12587, 12599, 12599.1 and 12599.2, Government Code.*

**TITLE 11. LAW**  
**DIVISION 1. ATTORNEY GENERAL**  
**CHAPTER 15. ATTORNEY GENERAL REGULATIONS UNDER NONPROFIT**  
**CORPORATION LAW**

§999.1. General Provisions and Definitions.

(a) Giving Notice to and Submitting Requests to Attorney General; When Notice or Request is Deemed "Filed with Attorney General."

For purposes of giving notice to the Attorney General or submitting requests for approval or other action to the Attorney General pursuant to any of the subsections contained in sections 999.2 through 999.5 of these regulations, all notices and requests shall be submitted in writing at the office listed below which is located nearest to the principal office of the corporation on whose behalf the notice or request is submitted.

Attorney General, Charitable Trusts Section  
455 Golden Gate Avenue, Suite 11000  
San Francisco, California 94102-7004

Attorney General, Charitable Trusts Section  
300 South Spring Street  
Los Angeles, California 90013-1230

Attorney General, Charitable Trusts Section  
1300 I Street  
P.O. Box 944255  
Sacramento, California 94244-2550

Written notices or requests shall be deemed filed with the Attorney General when the notices or requests are received at the Office of the Attorney General with the information required by sections 999.2(e), 999.3(e), 999.4 and 999.5 of these regulations.

...(Omitting subsections (b)-(d))

(e) Public Files, Notices, and Requests for Approval by Attorney General To Be Maintained in Public Files; Attorney General's Responses To Be Maintained in Public Files.

A "Public File" is the file of a nonprofit corporation which contains public documents, including registration and financial reporting forms filed pursuant to Government Code sections 12585 and 12586, and which is maintained at the Registry of Charitable Trusts, Office of the Attorney General, P.O. Box 903447, Sacramento, California 94203-4470. A public file excludes donor information exempt from public inspection pursuant to Internal Revenue Code section 6104 (d)(3)(A).

All notices and requests for approval submitted to the Attorney General pursuant to the subsections of sections 999.2 through 999.5 of these regulations shall become a part of the Public File of the corporation affected by the proposed action. In the discretion of the Attorney General, exceptions shall be made in the case of documents of a confidential or personal nature (i.e. individual tax returns, legitimate trade secret information, personal resumes, personal loan applications, etc.), where the corporation or person submitting the confidential documents separately designates and requests that such documents not be maintained in the Public File.

The Attorney General's responses to notices and requests for approval issued pursuant to the subsections of sections 999.2 through 999.5 of these regulations shall become a part of the Public File of the corporation affected by the proposed action.

...(Omitting subsections (f)-(g))

*Note: Authority cited: Sections 5914(b) and 5918, Corporations Code. Reference: 5142, 5223, 5225, 5226, 5233, 5236, 5238(c)(3), 5617, 5820, 5913, 5914(b), 5918, 6010, 6510(d), 6611(a), 6612(a), 6613(c), 6617(b), 6716(b), 6716(c), 6721(a), 6721(b), 7142, 7223, 7225, 7238, 7616, 7913, 8010, 8510, 8611, 8612, 8613, 8616, 8723, 9230, 9680, Corporations Code.*