

# **FINAL STATEMENT OF REASONS**

## UPDATE OF INITIAL STATEMENT OF REASONS

Section 4002. The proposed regulation as originally noticed to the public, would add a privacy notice to five of the Department's forms, and update the revision dates of those forms, as referenced in Title 11, Section 4002, of the California Code of Regulations. Additionally, given that this regulations incorporates five forms, for a total of 15 pages, the Department feels it would be cumbersome and unduly expensive to print the forms in the regulations. Once the regulations have become effective, all of the revised forms will be available to the public on the Bureau of Firearms website.

## SUMMARY OF COMMENTS AND DOJ RESPONSES

The Department received 3 different comments from a total of 4 persons. Attachment A (1 page) is a summary of the comments submitted during the 45-day comment period and the Department's responses. Attachment B is an alphabetical list (1 page) of the commenters and identifies (by number) the comment(s) made by each person.

COMMENT NUMBER 1: Nancy Maynard stated general support for privacy notices on all firearms forms

Response: This is a generalized comment to which the Department cannot provide a response.

COMMENT NUMBER 2: Edwin Fahlen, Gregorio Gonzalez, and Jared Moffa stated a general opposition for privacy notices on firearms forms.

Response: We received your comment. However, we are moving forward with the regulations for the reasons stated in the Initial Statement of Reason.

COMMENT NUMBER 3: Jared Moffa stated after improperly releasing personal information last year, the DOJ claims it will now comply with California law by adding a privacy notice to its firearms related application forms that require submission of personal information. Why isn't the Certificate of Eligibility application (BOF 4008) included in this rulemaking? The BOF 4008 form on the DOJ website has a privacy notice and a revision date of 10/2014. However, this version is inconsistent with the COE application established in 11 CCR § 4037. Consequently, the required use of the BOF 4008 COE application currently on the DOJ website is an underground regulation.

The ISOR is incorrect, since under the section titled EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING REGULATIONS, the DOJ states, "The Department has determined that the proposed amendment is not inconsistent or incompatible with existing regulations. After conducting a review for any existing regulations that would relate to or affect this subject matter, the Department has concluded that these are the only regulations that concern

Bureau of Firearms forms to which a privacy notice is being added.” As described above, this is false.

Response: The Certificate of Eligibility regulations are currently under revision.

#### ALTERNATIVES DETERMINATION

The Department has determined that no alternative it considered or that was otherwise identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

#### ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No alternatives were proposed to the Department that would lessen any adverse economic impact on small business.

#### LOCAL MANDATE DETERMINATION

The proposed regulation does not impose any mandate on local agencies or school districts.

#### EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has determined that the proposed regulations will not have a significant, statewide, adverse economic impact affecting business because the forms referenced in the proposed regulations are used only by individuals rather than businesses.

## PUBLIC COMMENTS AND DEPARTMENT OF JUSTICE RESPONSES

#	Summarized Comment	DOJ Response
1.	General Support for Privacy Notices on All Firearms Forms	This is a generalized comment to which the Department cannot provide a response.
2.	General Opposition for Privacy Notices on Firearms Forms	We received your comment. However, we are moving forward with the regulations for the reasons stated in the Initial Statement of Reason.
3.	<p>After improperly releasing personal information last year, the DOJ claims it will now comply with California law by adding a privacy notice to its firearms related application forms that require submission of personal information. Why isn't the Certificate of Eligibility application (BOF 4008) included in this rulemaking? The BOF 4008 form on the DOJ website has a privacy notice and a revision date of 10/2014. However, this version is inconsistent with the COE application established in 11 CCR § 4037. Consequently, the required use of the BOF 4008 COE application currently on the DOJ website is an underground regulation.</p> <p>The ISOR is incorrect, since under the section titled EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING REGULATIONS, the DOJ states, "The Department has determined that the proposed amendment is not inconsistent or incompatible with existing regulations. After conducting a review for any existing regulations that would relate to or affect this subject matter, the Department has concluded that these are the only regulations that concern Bureau of Firearms forms to which a privacy notice is being added." As described above, this is false.</p>	The Certificate of Eligibility regulations are currently under revision.

