

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL
State of California

GEORGE DEUKMEJIAN
Attorney General

OPINION	:	No. 80-909
	:	
of	:	<u>FEBRUARY 5, 1981</u>
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GEORGE DEUKMEJIAN	:	
Attorney General	:	
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Clayton P. Roche	:	
Deputy Attorney General	:	
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The Honorable G. B. Craig, Commissioner, California Highway Patrol, has requested an opinion on the following questions:

1. Does the Department of California Highway Patrol have the authority to release complete vehicle accident reports to the Joint Legislative Audit Committee?
2. Does the Joint Legislative Audit Committee have the right of access to vehicle accident reports through its subpoena powers or other powers notwithstanding (1) section 1798.24, subdivision (s) of the Civil Code, and (2) section 20012 of the Vehicle Code and cases interpreting that section?

CONCLUSIONS

1. The Department of California Highway Patrol does have the authority to release complete vehicle accident reports to the Joint Legislative Audit Committee in furtherance of the purposes for which the committee has been established.

2. The Joint Legislative Audit Committee does have the right of access to vehicle accident reports through its subpoena and other powers in furtherance of the purposes for which the committee has been established notwithstanding (1) section 1798.24, subdivision (s) of the Civil Code, and (2) section 20012 of the Vehicle Code and cases interpreting that section.

ANALYSIS

Sections 20008 and 20009 of the Vehicle Code require the driver of the vehicle which has been involved in an accident resulting in any personal injuries or death to file an accident report with the California Highway Patrol, or if the accident occurred within a city, alternatively with the local police department. The accident reports are specifically made confidential by section 20012 of the Vehicle Code, which provides:

“All required accident reports, and supplemental reports, shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department of Motor Vehicles and the Department of the California Highway Patrol, except that the Department of the California Highway Patrol or the law enforcement agency to whom the accident was reported shall disclose the entire contents of the reports, including, but not limited to, the names and addresses of persons involved in, or witnesses to, an accident, the registration numbers and descriptions of vehicles involved, the date, time and location of an accident, all diagrams, statements of the drivers involved in the accident and the statements of all witnesses, to *any person who may have a proper interest therein*, including, but not limited to, the driver or drivers involved, or the guardian or conservator thereof, the parent of a minor driver, the authorized representative of a driver, or to any person injured therein, the owners of vehicles or property damaged thereby, persons who may incur civil liability, including liability based upon a breach of warranty arising out of the accident, and any attorney who declares under penalty of perjury that he represents any of the above persons.

“A request for a copy of an accident report shall be accompanied by payment of a fee, provided such fee shall not exceed the cost of providing such copy.” (Emphasis added.)

The Joint Legislative Audit Committee of the California Legislature, which is established pursuant to section 10500 *et seq.* of the Government Code, requested the above accident reports from the Highway Patrol for a particular segment of 1–580 to aid it in its investigation of accident problems relating to high occupancy vehicle (HOV) lanes in California. This request for our opinion essentially asks (1) whether the Highway Patrol

may voluntarily turn over such accident reports to the Joint Legislative Audit Committee upon request, and (2) whether the Highway Patrol is legally required to do so when requested to do so or when served with a subpoena by that committee. It is to be noted that section 20012 of the Vehicle Code does not specifically mention the Legislature, or a committee thereof in its enumeration of those to whom the accident reports may be released.

The Joint Legislative Audit Committee has been established to:

“ . . . determine the policies of the Auditor General, ascertain facts, review reports and take action thereon, and make reports and recommendations to the Legislature and to the houses thereof concerning the state audit, the revenues and expenditures of the State, its departments, subdivisions, and agencies whether created by the Constitution or otherwise, and such other matters as may be provided for in the Joint Rules of the Senate and Assembly” (Gov. Code § 10501.)

As to this committee, “[t]he provisions of Rule 36 of the Joint Rules of the Senate and Assembly relating to investigating committees shall apply” and it has “all the powers conferred upon committees by Section 11, Article IV, of the Constitution.” (Gov. Code, § 10503.) As pertinent herein, Rule 36 confers upon legislative committees the power to summon and subpoena witnesses and subpoena books and records of all kinds. It further requires every state department, agency, officer or employee to furnish legislative committees “upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purpose for which each committee was created.”¹ Article IV, section 11 of the California Constitution generally provides for the Legislature or either house to provide by resolution for committees.² This constitutional provision is implemented in sections 9400–9410 of the Government Code wherein *all* legislative committees are given the power to subpoena witnesses and books

¹ The power of the Legislature to adopt rules is provided in Article IV, section 7 of the California Constitution, which states in part: “(a) Each house shall choose its officers and adopt rules for its proceedings.” “The power in each house to determine its rules is the power in either house to adopt the same rules as the other, the power to make joint rules not inconsistent with the Constitution.” (*Taylor v. Davis* (Ala. 1924) 102 So. 433, 40 A.L.R. 1032.)

Accordingly, Rule 36 has constitutional sanction and the force of law.

² Article IV, section 11 provides:

“The Legislature or either house may by resolution provide for the selection of committees necessary for the conduct of its business, including committees to ascertain facts and make recommendations to the Legislature on a subject within the scope of legislative control.”

and records, to grant witnesses immunity from prosecution, punish for contempt, and enforce their processes through arrest or the initiation of criminal proceedings.

Despite the broad powers conferred upon the Joint Legislative Audit Committee outlined above, the request for our opinion raises the possibility that the committee may not be granted access to the accident reports at issue herein by virtue of either section 20012 of the Vehicle Code, *supra*, or section 1798.24, subdivision (s) of the Civil Code, a provision found in the Information Practices Act of 1977.

We will first discuss why, in our opinion, section 1798.24 in no way prohibits access by the committee to the reports, and additionally how the Information Practices Act interrelates with section 20012 of the Vehicle Code. Thereafter we will discuss section 20012 of the Vehicle Code itself.

1. The Information Practices Act of 1977 and Its Interrelationship With the California Public Records Act and Section 20012 of the Vehicle Code.

The Information Practices Act of 1977, Civil Code section 1798 *et seq.*, was adopted to protect an individual's right of privacy guaranteed by Article I, section 1 of the California Constitution and by the United States Constitution with respect to "personal" and "confidential" information collected, maintained and disseminated by the state (Civ. Code, §§ 1798.1, 1798.2; see also generally 63 Ops. Cal. Atty. Gen. 46 (1980); 63 Ops. Cal. Atty. Gen. 120 (1980); 62 Ops. Cal. Atty. Gen. 436 (1979). The act is administered by the Office of Information Practices in the Executive Office of the State Personnel Board. (Civ. Code, §§ 1798.4–1798.8.) Each state agency maintaining "personal" or "confidential" information as defined in the act must notify the Office of Information Practices of such records, the legal authority for maintaining the records, their purpose and use, disclosure which will be made of the records, and other matters with respect thereto.

The act provides that "[n]o agency [which would include the Highway Patrol, Civ. Code, § 1798.3, subd. (d)] may disclose any personal or confidential information unless the disclosure of such information is pursuant to one or more of twenty listed conditions. (Civ. Code, § 1798.24.) Most pertinent to our inquiry is subdivision (s) of section 1798.24 which would *under that section* permit disclosure.

"(s) To a committee of the legislature or to a Member of the legislature, or his staff when authorized in writing by the Member, where such Member has permission to obtain the information from the individual to whom it pertains or where the Member provides reasonable assurance that he is acting in behalf of the individual." (Emphasis added.)

As noted, this opinion request indicates that subdivision (s) may present some impediment to freely supplying the Joint Legislative Audit Committee with the accident reports under consideration herein.³

It is our opinion, however, that Civil Code section 1798.24, subdivision (s), contains no such impediment. The only obstacle to free disclosure found in the language of subdivision(s) pertains to obtaining permission for disclosure from the individual to whom the record applies, or giving assurance of acting in his behalf. However, an examination of the statutory language discloses that that “obstacle” has reference only to a disclosure to a “*Member of the Legislature, or his staff.*” Stated otherwise, the subdivision provides for two distinct permissible disclosures, which are clearly separated by the disjunctive “or”: (1) to a legislative committee without any qualifying words of restriction or limitation; and (2) to a Member or his staff *under certain specified conditions*. To conclude that subdivision (s) sets forth conditions for disclosure to a *committee* of the Legislature would require inserting the words “committee or” before the word “Member” in the qualifying clauses. However, “[i]t is well established that it is not the proper function of the courts to supply legislative omissions from a statute in an attempt to make it conform to a presumed intention of the Legislature not expressed in the statutory language.” (*Cemetery Board v. Telophase Society of America* (1978) 87 Cal. App. 3d 847, 858.) “Words may not be inserted in a statutory provision under the guise of interpretation.” (*Kirkwood v. Bank of America* (1954) 43 Cal. 2d 333, 341.)

Accordingly, at least as far as the Information Practices Act of 1977 itself is concerned, the accident reports under consideration herein may be disclosed to the Joint Legislative Audit Committee under Civil Code section 1798.24, subdivision (s).⁴

³ At this juncture, we note that the Information Practices Act of 1977 defines for its purposes the terms “confidential information,” “personal information” and “nonpersonal information” (see Civ. Code, § 1798.3). Thus, the fact that section 20012 of the Vehicle Code makes accident records “confidential” does not mean that they are “confidential information” under the Information Practices Act. In fact, an examination of the definitions in the act leads to the conclusion that the records probably contain merely “personal information.” (See generally, Civ. Code, § 1798.3, subds (a), (5) and (c).)

⁴ Interestingly, if we were considering disclosure to part of the executive branch of state government or to local government, other subdivisions of section 1798.24 would be germane. For example, subdivision (e) permits disclosure under certain circumstances “to another agency where the transfer is necessary for the transferee agency to perform its constitutional or statutory duties and subdivision (f) permits disclosure “[t]o a governmental entity when required by state or federal law.” However, under the definition sections the Legislature is neither an “agency” nor a “governmental entity.” (See Civ. Code, § 1798.3, subds. (d), (k).)

Subdivision (k) of section 1798.24 permits disclosure pursuant to subpoena or other compulsory legal process under certain circumstances “to any person. However, since subdivision

Despite the fact that subdivision (s) of section 1798.24 of the Civil Code permits free disclosure of information to a legislative committee, an examination of Article 12 of the Information Practices Act is still required. That article sets forth the manner in which the Information Practices Act is to be construed with other laws. Most pertinent is Civil Code section 1798.75 which interrelates the Information Practices Act with the California Public Records Act, Government Code section 6250 *et seq.* Section 1798.75 provides:

“This chapter shall not be deemed to supersede Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code, except as to the provisions of sections 1798.60 and 1798.70.”

Section 1798.60 of the Civil Code relates to the use of names and addresses of individuals for commercial purposes, and is not germane to our inquiry. Section 1798.70, however, requires some examination. That section states:

“This chapter shall be construed to supersede any other provision of state law, including Section 6253.5 of the Government Code, or any exemption in Section 6254 or 6255 of the Government Code, which authorizes any agency to withhold from an individual any record containing personal information which is otherwise accessible under the provision of this chapter.” (Emphasis added.)

Under both the California Public Records Act, Government Code section 6254, subdivision (k), and Vehicle Code section 20012, the accident reports under consideration herein are not only exempt from disclosure, but are also confidential except as may be provided in section 20012 of the Vehicle Code.⁵

(s) permits free disclosure to a legislative committee, subdivision (k) need not be considered.

See also Government Code section 10527.4, *infra* note 11, added by the Legislature at the 1980 Regular Session stating that no provision of law shall limit the Joint Legislative Audit Committee’s powers to subpoena records.

⁵ The California Public Records Act. Government Code section 6250 *et seq.* basically requires public disclosure of all governmental records, except as may be excepted therein. Section 6253.5 thereof relates to the nondisclosure of initiative, referendum and recall provisions and is not material herein. Section 6254 thereof sets forth some sixteen categories of records which are exempted from disclosure. Subdivision (k) thereof exempts from disclosure “[r]ecords the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.” Accordingly, subdivision (k), *supra* incorporates by reference Vehicle Code section 20012. Section 6255 of the Government Code may justify” withholding of records where “the public interest served by not

Accordingly, if section 1798.70 of the Civil Code is applicable to the issue whether the Highway Patrol may or must supply the Joint Legislative Audit Committee with accident reports, the provisions of section 1798.70 would control, at least as to whether the Highway Patrol could in its discretion release such information. (See § 1798.24, *supra*, introductory language.) It could do so, since the provisions of the Information Practices Act would predominate over the provisions of the California Public Records Act, and the other confidentiality provisions found in the Vehicle Code and the Evidence Code.⁶

In our opinion, however, section 1798.70 of the Civil Code does not so predominate over other laws. It is our view that section 1798.70 applies only to disclosures to the “individual” who is actually the subject of the records in the custody of a state agency. This conclusion arises from a detailed examination of the Information Practices Act where the person who is the subject of agency records is usually denominated the “individual” (see, e.g. Civ. Code §§ 1798.10, subd. (i); 1798.15; 1798.17; 1798.24, final para., 1798.32–1798.48).⁷

Accordingly, since neither section 1798.60 nor 1798.70 is applicable to a disclosure of records by the Highway Patrol to a legislative committee, the provisions of section 1798.75, *supra*, control. Thus, although the Information Practices Act does not prevent disclosure, disclosure may still be prohibited under either the Public Records Act or some other provisions of law. In short, the Information Practices Act refers us out to an examination of the California Public Records Act and any other provisions of law which may make the accident reports at issue herein nondisclosable⁸ by the Highway Patrol.

making the record public clearly outweighs the public interest served by disclosure of the record.”

⁶ This conclusion presupposes the accident reports at issue herein are “personal information” as defined in the Information Practices Act as opposed to “confidential information” as defined therein. Although we need not resolve this question, a perusal of the definition provisions (Civ. Code, § 1798.3, subds. (a), (b), and (c)) would indicate that the accident reports are in all probability “personal information” as used in that act. See note 3, *supra*.

⁷ Thus, Civil Code sections 1798.32–1798.48 set forth the procedures for “an individual” to inquire about and inspect “personal information” an agency may have collected on him. The final provision, section 1798.43 states:

“This article applies to the rights of an individual to whom personal information pertains and not to the authority or right of any person, agency, or other state governmental entity, or governmental entity to obtain such information.”

thus highlighting that the act distinguishes between the “individual” and other persons or entities to whom disclosure may be made.

⁸ This same result may also be reached by reference to section 1798.72 of the Civil Code, also one of the sections which interrelates the Information Practices Act of 1977 with other laws. That

2. The California Public Records Act and Section 20012 of the Vehicle Code

Having concluded that the Information Practices Act is not controlling as to whether the Highway Patrol may disclose accident reports to the Joint Legislative Audit Committee, we now return to section 20012 of the Vehicle Code. We have been returned there either (1) by section 1798.75 of the Civil Code, *supra*, and the incorporation by reference of section 20012 in section 6254, subdivision (k), of the Government Code (see note 6, *supra*) or (2) by section 1798.72 of the Civil Code (see note 8, *supra*).

Section 20012 of the Vehicle Code, *supra*, provides that the subject accident reports “shall be for the confidential use of the . . . Highway Patrol, except that the Highway Patrol . . . shall disclose the entire contents of the reports” to designated persons. These are “to any person who may have a proper interest therein, including, but not limited to, the driver or drivers involved, or the guardian or conservator thereof, the parent of a minor driver, the authorized representative of a driver, or to any persons injured therein, the owners of vehicles or property damaged thereby, persons who may incur civil liability, including liability based upon a breach of warranty arising out of the accident, and any attorney who declares under penalty of perjury that he represents any of the above persons.” (Emphasis added.)⁹

It has been suggested that case law interpreting and applying section 20012 of the Vehicle Code may preclude the Highway Patrol from disclosing accident reports to the Joint Legislative Audit Committee despite the fact that the committee has requested the information for purposes well within its statutory and constitutional powers as a legislative committee. These cases are *State of California v. Superior Court* (1980) 102 Cal. App. 3d 25; *Edgar v. Superior Court* (1978) 84 Cal. App. 3d 430; and *People ex rel. Dept. of Transportation v. Superior Court* (1976) 60 Cal. App. 3d 352. Each of these cases points out that under section 20012 of the Vehicle Code the reports are confidential and privileged. They further point out that under section 1040, subdivision (b)(1) of the Evidence Code that such privilege is made absolute if claimed by the custodian of the records, such as the Highway Patrol.¹⁰ Each of these cases under the facts presented

section provides:

“Nothing in this chapter shall be construed to authorize the disclosure of any record containing personal information, other than to the subject of such records, in violation of any other law.”

Assuming that the accident reports are “personal information,” this section would refer us directly to section 20012 of the Vehicle Code for a construction or application of that section to our facts.

⁹ As operative January 1, 1981. Prior thereto, the enumeration did not include a “conservator.”

¹⁰ “(a) As used In this section, “official information” means Information acquired in confidence by a public employee in the course of his duty and not open, or officially

circumscribes a narrow area of disclosure with respect to section 20012 of the Vehicle Code. Thus, in *People ex rel. Dept. of Transportation v. Superior Court*, *supra*, it is stated:

“The discovery order obviously included privileged material; however, Clark argues that she falls within one of the exceptions and is therefore entitled to all of the reports requested. The statutory exemption (Veh. Code, § 20012) is narrowly confined to various persons involved in the accident or “persons who may incur civil liability, . . . arising out of the accident, . . .” (Italics added.)

“The characteristic common to the exceptions contained in section 20012 is that each excepted person have a need for the reports arising out of involvement in civil or criminal litigation emanating from the reported accident. Here Clark is not seeking a report of the accident in which her husband was involved. She seeks reports of other accidents involving other parties. We must conclude, therefore, that the reports of those accidents ordered disclosed by the order are privileged as to Clark, the real party in interest.” (60 Cal. App. 3d at p. 360.)

This language is quoted in *Edgar v. Superior Court*, *supra*, 84 Cal. App. 3d at pp. 434–435, and the “rule” is found paraphrased in *State of California v. Superior Court*, *supra*, 102 Cal. App. 3d at p. 30.

Significantly, in each of the three cases cited above the petitioner therein sought accident reports relating to all accidents which had occurred at a particular highway

disclosed, to the public prior to the time the claim of privilege is made.

“(b) A public entity has a privilege to refuse to disclose official information, and to prevent another from disclosing such information, if the privilege is claimed by a person authorized by the public entity to do so and:

“(1) Disclosure is forbidden by an act of the Congress of the United States or a statute of this state; or

“(2) Disclosure of the information is against the public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice; but no privilege may be claimed under this paragraph if any person authorized to do so has consented that the information be disclosed in the proceeding. In determining whether disclosure of the information is against the public interest, the interest of the public entity as a party in the outcome of the proceeding may not be considered.”

The privilege with respect to “official information provided by subdivision (b)(1) is said to create an absolute privilege. That created by subdivision (h)(2) creates a “qualified privilege.”

location over a given period of time. However, under 20012 of the Vehicle Code the petitioners clearly had a right through discovery as an injured party, or as the survivors of persons killed in the accident, *only to a single accident report*. In the context of the facts of each case, the courts' attempted synthesis of the statute is sensible. However, the courts were clearly not considering the situation where a legislative committee, in the performance of the duties assigned to it by a coordinate branch of government, might need these accident reports. As stated by Chief Justice Marshall in *Cohens v. Virginia* (1821) 19 U.S. (6 Wheat.) 264, 398:

“ . . . It is a maxim, not to be disregarded, that general expressions, in every opinion, are to be taken in connection with the case in which those expressions are used. If they go beyond the case, they may be respected, but ought not to control the judgment in a subsequent suit, when the very point is presented for decision. The reason of this maxim is obvious. The question actually before the court is investigated with care, and considered in its full extent. Other principles which may serve to illustrate it, are considered in their relation to the case decided, but their possible bearing on all other cases is seldom completely investigated”

Or as cogently explained by the court in *People v. Malowitz* (1933)133 Cal. App. 250, 255–256:

“ . . . It is apparent that by no judicial statement, however accurate and justly applicable to the case under consideration, may later cases, perhaps dependent upon altered facts or conditions, be conclusively defined, limited, or determined. In other words, no general rule announced in connection with the particular facts of a given case can furnish a safe and infallible guide for the administration of justice in any other case in which the facts, conditions, or circumstances may materially differ from those present in the case in which the rule has been declared. The statute itself furnishes the controlling legal principle; and primarily the rights of parties dependent upon the facts in each particular case should be determined with reference to the law as announced in the statute. Not that judicial construction of a statute is to be cast aside and set at naught, but that its usefulness should be measured by its applicability to the facts at hand.”

See also, e.g., *Estate of O'Dea* (1940) 15 Cal. 2d 637, 639–640; *Williams v. Weissner* (1969) 273 Cal. App. 2d 726, 735. As stated in the latter case: “ . . . a rule of law developed in one context should not be blindly followed in another where it violates the intention of the parties and creates undesirable consequences. University lectures are *sui generis*. Absent compulsion by statute or precedent, they should not be blindly thrown into the same legal

hopper with valve designs.” Likewise, legislative committee investigations are “*siti generis*” and should not be thrown into the same legal hopper as discovery matters brought by litigants in personal injury actions.

Returning to the wording of section 20012 of the Vehicle Code, it is to be recalled that in addition to the enumerated so-called real parties in interest” or their representatives, or others who might incur civil liability arising from the accident, the section permits disclosure to “any *person* who may have a proper interest therein.” (Emphasis added.) Section 470 of the Vehicle Code defines person as follows: “Person *includes* a natural person, firm, copartnership, association, or corporation.” (Emphasis added.) “However, the words ‘include’ and ‘including’ are ordinarily words of enlargement, and not limitation.” *People v. Homer* (1970) 9 Cal. App. 3d 23, 27. Accordingly, the definition section in the Vehicle Code does not preclude a legislative committee such as the Joint Legislative Audit Committee from being a “person” with a “proper interest” in the accident reports within the meaning of section 20012.

It has been held that, under appropriate circumstances, the word “person” may include the government. (*People v. Centr-O-Mart* (1950) 34 Cal. 2d 702, 704.) This is so since “[a] statute will not be construed to impair or limit the sovereign power of the state to act in its governmental capacity and perform its governmental functions in behalf of the public in general, unless such intent clearly appears.” (*Id.*, at pp. 703–704; see also, e.g., *Don Wilson Builders v. Superior Court* (1963) 220 Cal. App. 2d 77, 81; *County of Alameda v. Clifford* (1960) 187 Cal. App. 2d 714, 722; *People v. Pratt* (1951) 102 Cal. App. 2d 653; 41 Ops. Cal. Atty. Gen. 178.)

In our opinion, the Joint Legislative Audit Committee should be held to be a “person who may have a proper interest” in the accident reports within the meaning of section 20012 of the Vehicle Code. In fact, in Attorney General’s Unpublished Opinion I.L. 72–68, where the issue presented was whether police agencies could release accident reports containing juvenile arrest information in light of *T.N.G. v. Superior Court* (1971) Cal. 3d 767, it was concluded that section 20012 authorized release of the entire accident report to interested public agencies as well as to private parties despite the inclusion of the juvenile arrest information contained therein. No discussion apparently was even deemed necessary with respect to whether interested public agencies fell within the scope of section 20012.

Accordingly, we conclude that under the provisions of section 20012 of the Vehicle Code itself, the Joint Legislative Audit committee is an interested party entitled to the accident reports at issue herein in aid and furtherance of its legislative powers. Thus, the Highway Patrol may disclose the accident reports to that committee voluntarily. Furthermore, it must also cooperate with that committee and obey its lawful request for

such records and comply with any subpoenas issued by it as prescribed by the provisions of law outlined at the outset of this opinion. The conclusion is also supported by our opinion 19 Ops. Cal. Atty. Gen. 18 (1952) wherein we concluded that the Department of Public Works should comply with a subpoena of a legislative interim committee for questionnaires and financial statements of prospective bidders, which were specifically made confidential by statute. We stated in part:

“We are not here, however, dealing with the right of the public to inspect records, or the right of other public agencies to inspect, or with the right of the courts to require disclosure. Rather we are dealing with the question of the right of the legislative branch of government with its broad investigative powers to require by subpoena duces tecum the production of records from a State agency which is part of the Executive Branch of the Government, which records the Legislature has by statute said are not public records and not open to public inspection.

The inspection of documents by the Legislature or by committees thereof is presumed to be for a public purpose in connection with legislative business (11 Ops. Cal. Atty. Gen. 41, 44; 13 Ops. Cal. Atty. Gen. 180, 183), but the Legislature, even with its broad powers of investigation, has not the authority to see all records of government (14 Ops. Cal. Atty. Gen. 162; Ops. Cal. Atty. Gen. NS-2191). If the resolution designating the committee’s rights, duties and powers includes, or necessarily implies, investigation into such material, it is our opinion that the questionnaires and financial reports provided for by section 14310 of the Government code are subject to subpoena duces tecum of the committee. The committee, however, may not divulge the information obtained from those records in such manner as would permit the identification of particular questionnaires and financial statements, they being specifically exempted from the category of public records open for public inspection” (*Id.*, at pp. 19–20.)

That opinion was premised upon the general rule that, subject to constitutional limitations, a legislative body such as Congress or a state Legislature has the power to compel testimony and require the production of books and records as may be necessary to aid it in the performance of its legislative functions. (See generally, *Gibson v. Florida Legislative Comm.* (1962) 372 U.S. 539, 544–546; *Sinclair v. United States* (1929) 279 U.S. 263, 291–294; *In re Baaelle* (1929) 207 Cal. 227, 240–251; *Matula v. Superior Court* (1956) 146 Cal. App. 2d 93, 96–98. See, however, 53 Ops. Cal. Atty. Gen. 200, 202 (1970); 14 Ops. Cal. Atty. Gen. 162, 170–176 (1949).)

However, we predicate our conclusion herein upon a reasonable interpretation and application of section 20012 of the Vehicle Code. We need not nor do we attempt to determine the parameters of the scope of the powers of a legislative investigating committee, particularly as to whether, under their constitutional or statutory powers, such committees are entitled to some or all information in the custody of a state agency which is otherwise privileged from disclosure.¹¹

¹¹ We note the addition of sections 10520, 10527.1, 10527.2, 10527.3, and 10527.4 of the Government Code relating to the ability of the joint Legislative Audit Committee to authorize the release of certain records to the Auditor General to permit that officer to conduct audits. (Stats. 1980, ch. 1159, §§ 5–9)

Of particular interest to our inquiry is section 10527.4, as added, which provides:

“Nothing in Section 10527.1, 10527.2 or 10527.3, nor any other provision of law shall limit the authority of the Joint Legislative Audit Committee to subpoena records under the authority granted to the committee by the Constitution and the Joint Rules of the Senate and Assembly.” (Emphasis added.)