

Date of Hearing: June 23, 2026

Fiscal: Yes

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Rebecca Bauer-Kahan, Chair

SB 1114 (Cabaldon) – As Amended May 14, 2026

SENATE VOTE: 30-0

SUBJECT: Data collection: sexual orientation, gender identity, and intersex status: disclosure

SYNOPSIS

Demographic information is collected by state and federal entities to improve public services to distinct populations. Historically, LGBTQ+ communities have faced exclusion and prejudice, resulting in sparse and inaccurate data about these populations. In response, the Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act was passed in 2015, which directed state agencies to collect voluntary self-identification information related to sexual orientation and gender identity, subject to certain privacy-protective safeguards.

Given the increasingly hostile federal response to LGBTQ+ rights, this bill restricts personally identifiable information related to sexual orientation, gender identity, and variations in sex characteristics/intersex status (SOGISC) data collected by state agencies from being disclosed to any entity outside of the California state government or contracted vendors. Additionally, this bill directs that any collected information pertaining to SOGISC reported in an identifiable form be limited to the minimal extent required to meet the applicable exception and exempts information related to SOGISC from disclosure under the California Public Records Act unless the information is deidentified. These protections are further applied to data collected by certain educational institutions.

The bill is co-sponsored by Equality California and California LGBTQ Health and Human Services Network. The bill is supported by a number of organizations, including Alliance for Transyouth Liberation, California Academy of Child and Adolescent Psychiatry, Health Access California, and Planned Parenthood Affiliates of California.

The bill is opposed by Californians United for Sex-based Evidence in Policy and Law and California Family Council.

If passed by this Committee, this bill will next be heard by the Judiciary Committee.

EXISTING LAW:

- 1) Provides, pursuant to the California Constitution, that all people have inalienable rights, including the right to pursue and obtain privacy. (Cal. Const., art. I, Sec. 1.)
- 2) Establishes the Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act (Act), which requires specified state entities, in the course of collecting demographic data directly or by contract as to the ancestry or ethnic origin of Californians, to also collect voluntary self-identification information pertaining to sexual orientation, gender identity, and

intersexuality. The law provides various methods by which this requirement can be carried out. (Gov. Code § 8310.8.)

- 3) Establishes the Information Practices Act of 1977 (IPA), which declares that the right to privacy is a personal and fundamental right protected by Section 1 of Article I of the Constitution of California and by the United States Constitution and that all individuals have a right of privacy in information pertaining to them. It further states the following legislative findings:
 - a. The right to privacy is being threatened by the indiscriminate collection, maintenance, and dissemination of personal information and the lack of effective laws and legal remedies;
 - b. The increasing use of computers and other sophisticated information technology has greatly magnified the potential risk to individual privacy that can occur from the maintenance of personal information; and
 - c. In order to protect the privacy of individuals, it is necessary that the maintenance and dissemination of personal information be subject to strict limits. (Civ. Code § 1798 et seq.)
- 4) Defines “personal information” for purposes of the IPA as any information that is maintained by an agency that identifies or describes an individual, including, but not limited to, the individual’s name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history. It includes statements made by, or attributed to, the individual. (Civ. Code § 1798.3(a).)
- 5) Prohibits an agency from disclosing any personal information in a manner that would link the information disclosed to the individual to whom it pertains unless the information is disclosed as specified. (Civ. Code § 1798.24.)
- 6) Provides that an agency that fails to comply with any provisions of the IPA may be enjoined by any court of competent jurisdiction, and, as specified, the agency may be liable to the individual in an amount equal to the sum of actual damages sustained by the individual, including damages for mental suffering, and the costs of the action together with reasonable attorney’s fees as determined by the court. (Civ. Code §§ 1798.46-1798.48.)
- 7) Provides that the intentional violation of any provision of the IPA, or any rules or regulations adopted thereunder, by an officer or employee of an agency shall constitute a cause for discipline, including termination of employment; and further specifies that the intentional disclosure of medical, psychiatric, or psychological information in violation of the disclosure provisions of the IPA is punishable as a misdemeanor if the wrongful disclosure results in economic loss or personal injury to the individual to whom the information pertains. (Civ. Code §§ 1798.55, 1798.57.)
- 8) Provides that the Trustees of the California State University, the Regents of the University of California, and the governing board of each community college district are requested to, in collecting data relative to gender, race, ethnicity, or other demographics, from faculty, staff, or students, allow the faculty, staff, and students to identify their sexual orientation, gender

identity, and gender expression on any forms used to collect that demographic data, as appropriate. (Ed. Code § 66027.)

THIS BILL:

- 1) Defines “information pertaining to SOGISC” to mean information pertaining to any of the following:
 - a. A person’s sexual orientation identity.
 - b. A person’s gender identity.
 - c. A person’s identification as intersex, or identification as possessing sex characteristics that vary from those typically associated with a person’s sex assigned at birth.
 - d. Information pertaining to SOGISC that could reasonably be used to infer a person’s transgender or intersex status, including:
 - i. A person’s self-identification as transgender, nonbinary, or a gender other than man/male or woman/female.
 - ii. Information about a person’s gender identity and their sex assigned at birth that is stored or disclosed in a manner that may result in a person being classified as transgender or intersex.
 - iii. Administrative records of gender marker change or documentation submitted in conjunction with a request for gender marker change.
 - iv. Medical information related to transgender or intersex status not otherwise protected under the federal Health Insurance Portability and Accountability Act (HIPAA) and the California Confidentiality of Medical Information Act (CMIA).
- 2) Prohibits information pertaining to SOGISC collected for the Act from being disclosed in a manner allowing personal identification to any entity outside of California state government, or a vendor contracted to provide services to the California state government, except if either of the following apply:
 - a. Pursuant to a contract or data sharing agreement where the reporting of SOGISC elements is an explicit and mandatory condition for participation in a federal or interstate program or survey.
 - b. Pursuant to a warrant or court order that is valid and enforceable in California.
- 3) Requires that information pertaining to SOGISC reported in an identifiable form be limited to the minimal extent required to meet the application exception in compliance with the IPA, unless the information pertaining to SOGISC is deidentified.
- 4) Provides that a violation of this bill is subject to the penalties described under the IPA.

- 5) Exempts information pertaining to SOGISC from disclosure under the California Public Records Act, unless the information is deidentified.
- 6) Prohibits the Department of Motor Vehicles from making available or disclosing personally identifiable information pertaining to SOGISC. Exempts the sex marker or gender category displayed on a driver's license or as displayed on an identification card.
- 7) Applies these same restrictions and penalties to information collected by specified educational institutions.
- 8) Contains a severability clause.

COMMENTS:

1) **Author's statement.** According to the author:

SB 1114 protects LGBTQ+ Californians from discrimination and harm by strengthening privacy protections for data related to sexual orientation, gender identity, transgender status, intersex status, and variations in sex characteristics (SOGISC). The bill restricts California state agencies from sharing SOGISC data outside state government and limits disclosure to narrow circumstances.

Inclusive data collection helps California state agencies better serve diverse communities. But as hostility from the federal government toward communities of color, immigrants, and LGBTQ+ people has grown, so has the need to ensure personal information cannot be misused. Federal agencies have increasingly sought expanded access to state-held data, often framed as efforts to reduce fraud, waste, and abuse. While many recent examples involve requests for immigration or health data, they underscore why clear guardrails on data sharing are essential. Similar to other personal information the state collects, SOGISC data should be protected with strong limitations on when and how it can be shared outside of California state government, especially given the demonstrated hostility of the Trump administration toward LGBTQ+ communities.

2) **The need to collect SOGISC data.** Historically, data surrounding LGBTQ+ individuals has been sparse. Indeed, more than five in six LGBT adults cannot be identified by existing questions in nonexperimental surveys conducted by the U.S. Census Bureau.¹ The lack of accurate information on LGBTQ+ individuals can facilitate prejudice and bias, especially against transgender and gender non-conforming individuals who often struggle to receive appropriate health care and governmental services. To counteract discrimination and misinformation about underrepresented populations such as LGBTQ+ populations, researchers and LGBTQ+ advocates call for more accurate and thoughtful data collection practices. According to the Center for American Progress:

Data collection is an indispensable tool to understand and address challenges facing LGBTQI+ and other sexual and gender-diverse communities. Although strides have been made in recent years, a persistent lack of routine data collection

¹ Caroline Medina and L. Mahowald, *Collecting Data About LGBTQI+ and Other Sexual and Gender-Diverse Communities* (May 24, 2022) Center for American Progress, <https://www.americanprogress.org/article/collecting-data-about-lgbtqi-and-other-sexual-and-gender-diverse-communities/>.

on sexual orientation, gender identity, and variations in sex characteristics (SOGISC) is still a substantial roadblock for policymakers, researchers, service providers, and advocates seeking to improve the health and well-being of LGBTQI+ people. More comprehensive and accurate point-in-time and longitudinal demographic data on SOGISC are crucial to:

- Advance research agendas
- Evaluate population trends
- Identify community-based needs
- Provide high-quality services
- Track and address discrimination
- Equitably distribute funding and other resources
- Shape evidence-based policy solutions to promote equity and reduce disparities faced by LGBTQI+ populations

As the size and diversity of LGBTQI+ populations in the United States continue to expand, particularly among youth and young adults, the importance of collecting data on these communities only continues to grow. Failing to collect these data can create harms by hindering the ability of researchers, policymakers, service providers, and advocates to understand the experiences of LGBTQI+ communities, identify disparities, generate policies that promote equity, and evaluate the effectiveness of those policies.²

3) Addressing the lack of SOGISC Data. To counteract the apparent dearth in data collected by the state regarding sexual orientation and gender identity, AB 959 (Chiu, Ch. 565, Stats. 2015) enacted the Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act. This Act required state departments to collect voluntary self-identification information on sexual orientation and gender identity when collecting other demographic information. Originally limited to just four state departments, the Act has since been expanded to include 15 departments and to include questions surrounding intersexuality.

The departments tasked with collecting voluntary SOGISC data are required to report the data collected and the method used to collect that data to the Legislature. Additionally, the departments must make the data available to the public in accordance with state and federal law. The Act prohibits departments from disclosing personal identifying information of the surveyed individuals to protect their privacy and further directs the departments to aggregate demographic reports on data collected to prevent identification of individuals.

To provide an additional layer of privacy protection, the state departments are only authorized to use information voluntarily provided about sexual orientation and gender identity for certain purposes, namely demographic analysis, coordination of care, quality improvement of its

² *Ibid.*

services, conducting approved research, fulfilling reporting requirements, and guiding policy or funding decisions.

4) Concerns surrounding federal anti-LGBTQ+ legislation. In recent years, anti-LGBTQ+ legislation has drastically increased, with a record number of anti-LGBTQ+ bills being introduced across the nation, many of which are aimed directly at LGBTQ+ youth, particularly transgender youth and gender-expansive youth. These bills seek to roll back nondiscrimination protections based on sexual orientation and gender identity, bar youth from accessing gender-affirming health care, prohibit access to facilities and activities aligning with their gender, and forcibly out LGBTQ+ youth, to name a few examples.³

Fear of the federal government seeking access to state-held data related to SOGISC is therefore not unfounded. The federal government has already sought to collect detailed personal information, including immigration status, from state Supplemental Nutrition Assistance Program (SNAP) systems.⁴ In 2025, the Department of Justice (DOJ) sent more than 20 subpoenas to doctors and clinics that perform gender affirming care procedures for transgender minors, seeking personal information on those patients and on the clinicians providing the care.⁵ Originally, the DOJ issued administrative subpoenas, many of which were dismissed in court. The DOJ then pivoted to issuing criminal subpoenas, referring to gender affirming care as “sex-rejecting procedures” in the documents that were sent to multiple hospitals, including NYU Langone Medical Center.⁶ In the subpoena sent to the NYU Langone Medical Center, the DOJ requested, amongst other things “[d]ocuments sufficient to identify each patient who underwent Sex-Rejecting Procedures,” and, for each identified patient:

[D]ocuments relating to the clinical indications, diagnoses, or assessments that formed the basis for providing Sex-Rejecting Procedures, including the prescribing of puberty blockers or hormones, and all documents relating to the Sex-Rejecting Procedures care provided to each patient identified.⁷

In California, a federal judge temporarily blocked hospitals from providing any documents related to the criminal subpoenas, but the implications if the federal government succeeds in seizing medical records of minors are vast.⁸

5) What this bill would do. In response to the growing tide of anti-LGBTQ+ legislation from the federal government, this bill would prohibit state agencies from transferring SOGISC data

³ Cullen Peele, “Weekly Roundup of Anti-LGBTQ+ Legislation Advancing In States Across the Country,” *Human Rights Campaign*, (May 16, 2023), <https://www.hrc.org/press-releases/weekly-roundup-of-anti-lgbtq-legislation-advancing-in-states-across-the-country-5>.

⁴ Jude Joffe-Block and S. Fowler, “USDA, DOGE demand states hand over personal data about food stamp recipients,” *NPR*, (May 9, 2025), <https://www.npr.org/2025/05/09/nx-s1-5389952/usda-snap-doge-data-immigration>.

⁵ “Department of Justice Subpoenas Doctors and Clinics Involved in Performing Transgender Medical Procedures on Children,” *Office of Public Affairs U.S. Department of Justice*, (July 9, 2025), <https://www.justice.gov/opa/pr/departments-justice-subpoenas-doctors-and-clinics-involved-performing-transgender-medical>.

⁶ Selena Simmons-Duffin, “Trump’s DOJ can’t get names and medical files of trans youth in California, for now,” *NPR*, (June 12, 2026), <https://www.npr.org/2026/06/12/nx-s1-5855728/transgender-youth-healthcare-trump-subpoena>.

⁷ *Ibid.*

⁸ *Ibid.*

voluntarily collected under the Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act to agencies outside of the California state government, or contracted vendors who provide services to the state, unless there is a contract or sharing agreement where reporting SOGISC data is a mandatory condition for participation in a federal or interstate program, or if there is a valid and enforceable warrant or court order. Additionally, this bill requires that information pertaining to SOGISC reported in an identifiable form be limited to the minimal extent required to meet the applicable exception, and in compliance with the IPA. This bill also prohibits information pertaining to SOGISC from being disclosed under the California Public Records Act unless the information is first deidentified. These provisions are also applied to such data collected by educational institutions such as the California State University, the University of California, and California community colleges. Violations are punishable under existing enforcement provisions of the IPA.

ARGUMENTS IN SUPPORT: Equality California, co-sponsors of the bill, write in support:

Comprehensive data collection is essential to improving services, advancing health equity, and directing resources where they are most needed. As LGBTQ+ populations continue to grow, failing to collect SOGISC data risks rendering these communities invisible and undermining efforts to develop policies that promote equity and improve health outcomes.

[...]

SB 1114 establishes clear guardrails to ensure SOGISC data cannot be disclosed outside of California state government except in limited circumstances—when explicitly required for participation in a federal or interstate program, or in response to a subpoena or warrant that is valid and enforceable in California. The bill also defines SOGISC to include sexual orientation, gender identity, and variations in sex characteristics, and clarifies that information that could reasonably be used to infer transgender or intersex status is also protected. Finally, SB 1114 extends these protections to SOGISC data collected by public postsecondary education institutions and makes violations subject to existing penalties under the Information Practices Act.

At a time when LGBTQ+ Californians are increasingly being targeted, SB 1114 ensures that data collected to support our communities cannot later be repurposed to harm them. The bill strikes an important balance—allowing the state to continue collecting important data to address disparities while putting in place strong safeguards to protect individual privacy and safety.

The California Legislative LGBTQ Caucus, write in support:

California agencies collect voluntary demographic data, including information related to SOGISC, in order to better understand disparities and improve services for LGBTQ+ Californians. However, as hostility toward LGBTQ+ people, immigrants, and other marginalized communities has intensified at the federal level, there is growing concern that sensitive personal data held by the state could be requested or utilized for enforcement, surveillance, or other unrelated purposes. In recent years, federal agencies have sought expanded access to state program data, including information related to health care and public benefits, raising serious privacy and safety concerns for vulnerable communities.

SB 1114 establishes necessary guardrails by restricting the disclosure of personally identifiable SOGISC data collected under the Lesbian, Gay, Bisexual, Transgender, and Intersex Disparities Reduction Act. The bill allows disclosure only when explicitly required for participation in a federal or interstate program where reporting is mandatory, or in response to a subpoena or warrant that is valid and enforceable in California. It also requires that any disclosed data be limited to the minimum amount necessary and extends these protections to similar data collected by public postsecondary institutions.

At a time when sensitive personal information is increasingly vulnerable to misuse, SB 1114 ensures California can continue collecting critical demographic data to improve public services while protecting the privacy and safety of LGBTQ+ individuals and other vulnerable populations.

ARGUMENTS IN OPPOSITION: In opposition to the bill, California Family Council argues:

SB 1114 prohibits state entities, including public educational institutions, from disclosing sexual orientation, gender identity, and intersex status (SOGISC) data in personally identifiable form to any entity outside the California state government. While framed as a privacy protection, this bill creates serious concerns for parental rights, transparency, and constitutional governance.

Parental authority is undermined. By restricting the disclosure of SOGISC data, this bill can prevent parents from learning information about their own minor children collected by public schools. Parents have a fundamental constitutional right, recognized in *Troxel v. Granville* and *Pierce v. Society of Sisters*, to direct the upbringing and education of their children. Shielding school-collected data from parents directly conflicts with that right.

It prioritizes ideological confidentiality over child welfare. When schools collect sensitive identity data from minors and then restrict parental access under this bill's framework, children may be socially transitioned or affirmed in school settings without parental knowledge, a practice with serious documented psychological risks.

Broad non-disclosure rules limit the ability of the public, researchers, and oversight bodies to evaluate how government agencies collect and use sensitive data on California's children and residents.

SB 1114 does not protect children; it protects bureaucratic secrecy at the expense of parents and families. California families deserve transparency, not legislation that further insulates government decisions from the parents most affected.

REGISTERED SUPPORT / OPPOSITION:

Support

California Lgbtq Health and Human Services Network (Co-Sponsor)

Equality California (Co-Sponsor)

California Latinas for Reproductive Justice

California Primary Care Association

Health Access California

Health Officers Association of California

Lgbtq+ Inclusivity, Visibility, and Empowerment (LIVE)
Oakland Privacy
Planned Parenthood Affiliates of California

Opposition

Cause: Californians United for Sex-based Evidence in Policy and Law

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