STATE GUIDE — CALIFORNIA · VERSION 1.1

California Local AI Governance Checklist

A one-page checklist for California cities, counties, school districts, special districts, public healthcare entities, and law-enforcement agencies. Adapt to your jurisdiction and confirm current obligations with counsel.

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1. Public records and AI-assisted work

- Identify whether AI-assisted material is connected to official agency business.
- Confirm the record can be searched, exported, and produced from any vendor system.
- Apply the California Public Records Act to AI prompts, outputs, and logs created or received in agency business.
- Check whether an exemption or confidentiality claim applies before withholding.
- Document the system's role and the final human decision.

2. Records retention and disposal

- Classify AI-assisted records by government function, not by 'AI' as a category.
- Apply the adopted local retention schedule (General Records Schedule or agency-specific).
- Confirm records held by a vendor remain under agency control for retention and production.
- Maintain inventory fields: records created/received, prompts, outputs, logs, storage, export format, schedule, owner, vendor obligations, migration.

3. Vendor and contractor records

- Address public-records access, retention, export, and termination safeguards in every AI contract.
- Confirm the vendor cannot withhold records produced on the agency's behalf.
- Require data use restrictions: no training on agency data without written authorization.

4. Civil liability and authorized use

- Review agency insurance coverage for claims arising from AI-assisted decisions or content.
- Confirm employees are authorized users and systems are used within assigned duties.
- Track emerging California legislation on AI liability before relying on any single rule.

5. Employment and automated-decision systems

- Flag hiring, promotion, discipline, or scheduling tools that use algorithmic decisions.
- Consider civil-rights and anti-discrimination obligations that apply regardless of technology.
- Require human review before consequential employment decisions.

6. AI-generated law-enforcement reports

- Establish a written policy for AI-assisted report drafting before deployment.
- Require officer review and personal attestation to the accuracy of submitted reports.
- Address disclosure of AI assistance in reports and discovery.

7. Schools, pupil records, and educational AI

- Apply district AI acceptable-use and student-privacy policies to classroom tools.
- Confirm vendor data practices against FERPA, the Student Online Personal Information Protection Act, and pupil-records rules.

8. Healthcare communications and AI systems

- Confirm whether a communication is from a human or an AI system where patients could be misled.
- Review clinical and patient-facing AI tools against applicable health-information privacy requirements.

9. State programs — not universal mandates

- Track state-agency AI programs (e.g., GenAI inventory under Government Code s. 11546.45.5 and SB 896).
- Confirm the covered entity and operative date before treating a state rule as a municipal requirement.

10. Enhanced review for high-risk uses

- Flag uses affecting benefits, employment, enforcement, permitting, safety, or rights.
- Require meaningful human review, notice, redress, and incident-response procedures.

11. First 90 days

- Inventory current and planned AI uses across departments.
- Assign a risk tier and owner for each use.
- Adopt a one-page AI use and transparency policy covering disclosure and review.

12. Questions for counsel, records, HR, and privacy

- Which exemptions could apply to our AI-assisted records?
- Do our vendor contracts give us access to prompts, outputs, and logs?
- Which employment, pupil, or patient data protections reach our AI tools?
- What disclosure should accompany AI-assisted public communications?

This resource is for policy and governance education only. It is not legal advice. Local governments should consult their attorney or legal counsel before making procurement, compliance, or deployment decisions.