



Written by [Bob Adelman](#) on November 28, 2023

## California Court: Gun Owners' Personal Information May be Given to Researchers on Gun Violence

An appeals court [ruled last Friday](#) that the privacy rights of gun owners in California — guaranteed in the state's constitution — don't count as much as does getting personal data from them for "research" purposes on gun violence. That personal data includes "names, addresses, phone numbers, and any criminal records, among other things."

The lawsuit — *Barba v. Bonta* — was brought by an individual gun owner and some gun dealers, along with the Second Amendment Foundation and the Firearms Policy Coalition, Inc. They complained that California's law allowing such information to be released without permission violated the state's constitutional guarantee of privacy. That guarantee, from Article 1, Section 1, reads:



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All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.

In her 42-page ruling, Judge Julia Kelety held that the plaintiffs failed to meet at least one of three "threshold elements" to prove that their rights had been violated. Such privacy interest "must be balanced against other important ... interests," she said. She, a member of the three-judge panel making the ruling, said that a lower court upholding those privacy rights had erred, and overruled it.

The California law, enacted in 2021, permits the state to release personal information on gun owners to researchers involved in studying gun violence.

Skeptics are quick to ask at least two key questions:

### **Where Is the ACLU?**

In its article celebrating the 50th anniversary of the privacy amendment on August 8, 2023, the group was quick to congratulate itself on its role in helping to pass it:

Life, liberty, and ... privacy. These inalienable rights are enshrined at the top of the California Constitution.

Fifty years ago, with support from the ACLU, a modern constitutional right to privacy was added to the state constitution through a prescient ballot measure.



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And for the last five decades, that right has helped to safeguard our homes, our families, our bodies, our thoughts, and our associations from invasion by government and corporate interests...

After supporting its passage, the ACLU helped bring the Privacy Amendment to life. An early test was the 1975 landmark case, *White v. Davis*. We sued the Los Angeles Police Department for infiltrating UCLA courses and organizations to create dossiers on other students and professors, without any suspicion of illegal activity.

The ACLU dug itself deeper into the pit of hypocrisy:

California's constitutional right to privacy has also been the north-star for our work on cutting-edge laws—from consumer protections that require businesses to provide people with privacy policies, data-breach notifications, and the right to know about and delete the information being collected on them—to anti-surveillance laws that require the government get a warrant to access our personal information and that protect against face surveillance and other dangerous technology.

But, as for law-abiding gun owners? Silence. The ACLU knew about the complaint yet it did nothing and said nothing. It took gun rights advocates to bring the case against the state.

### **Why Is Data Needed From Law-abiding Citizens?**

The Crime Prevention Research Center reports that permit holders are among the least likely individuals to commit gun violence. Why is their data needed?

Perhaps the prime receiver of that data — the California Firearm Violence Research Center — [could tell us what they plan to do with it:](#)

The California Firearm Violence Research Center (CA FVRC) is the first state-funded center for firearm violence research, founded to address these gaps in knowledge on firearm violence and its prevention in July 2017....

[We will] conduct ... work to address ... [the] prevention and treatment of firearm violence at the individual ... levels....

[We will] explore the causes of firearm violence and evaluate strategies and interventions for reducing firearm-related harm...

[Our] research projects will ... guide future prevention efforts ... evaluate ... existing and potential policies and programs ... [and] assess other approaches to firearm violence prevention.

If this sounds like an incubation center for the development of more gun laws and restrictions and infringements, one wouldn't be far from the truth.

It's all about science, so-called. Garen Wintermute, the director of the research center, celebrated: "The court's decision is an important victory for science."

Allowing "science" researchers access to personal private information of law-abiding gun owners in their search for the answer to gun violence is a fool's errand. But it does fit nicely with the gun-control



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agenda of politicians in the Golden State who seek to disarm all gun owners, using “science” and its “scientific” findings as an excuse.



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