

FINAL BILL REPORT

HB 1489

C 312 L 91

Synopsis As Enacted

Brief Description: Adding limited new services to the current common carrier exceptions to the privacy act.

By Representatives H. Myers, May, Grant, Miller, Ebersole, Ballard, Belcher, Casada, Leonard, Hine, Bray, Appelwick, Hochstatter, R. Meyers, Morris, Cooper, Rayburn, Schmidt, Broback, Neher, Wynne, Betrozoff and Winsley.

House Committee on Energy & Utilities
Senate Committee on Energy & Utilities

Background: A new telecommunications technology has been developed by the telecommunications industry that allows information about the calling party to be included as part of a telephone call. With the appropriate equipment connected to the telephone receiver, this technology will allow the name and number of the calling party to be displayed as the telephone rings. This calling party identification feature is sometimes referred to as "Caller ID" or "Automatic Number Identification" (ANI).

The Utilities and Transportation Commission (UTC) initiated a Notice of Inquiry on issues related to Caller ID in October 1989. The UTC inquiry started as a look at the costs, technical feasibility, uses, and privacy issues related to ANI. After receiving numerous written comments and conducting several public hearings in the summer of 1990, the commission staff recommended that the commission reject proposals for Caller ID. The commission did not accept the staff's recommendation and instead proposed to consider any Caller ID proposals on a case-by-case basis. The commission recommended that telecommunications companies wishing to offer Caller ID propose a trial of the service to test methods to address privacy concerns.

Washington State's Privacy Act generally prohibits the interception of private communications by telephone, telegraph, radio, or private conversations without the consent of all parties to the conversation. There are a number of exceptions to this general rule, including an exception for emergency calls to law enforcement, fire departments, and emergency response personnel.

The Privacy Act exempts a telecommunications company from the prohibitions of the Privacy Act for activities of the company while providing services in connection with the construction, maintenance, repair, and operations of the company's services, facilities, or equipment.

Some Washington court decisions interpreting the Privacy Act may mean that Caller ID could not be offered in this state without violating the Privacy Act.

Summary: The Washington Privacy Act is amended to exclude from the act's restrictions automatic number, caller, or location identification services that have been approved by the Utilities and Transportation Commission.

Votes on Final Passage:

House	74	24
Senate	36	13

Effective: July 28, 1991