

HOUSE BILL REPORT

HB 2583

As Amended by Senate

Title: An act relating to disclosure of records.

Brief Description: Concerning documents that are exempt from public inspection.

Sponsors: Representatives Veloria, Reams, Anderson, J. Kohl, Wood and Campbell.

Brief History:

Reported by House Committee on:
State Government, February 2, 1994, DP;
Passed House, February 9, 1994, 95-0.
Amended by Senate.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 9 members:
Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; L. Thomas, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King and Pruitt.

Staff: Bonnie Austin (786-7135).

Background: Under the Public Disclosure Act (PDA), client records maintained by domestic violence programs are exempt from public disclosure to the extent that disclosure would violate personal privacy or vital governmental interests. Additionally, these client records are only subject to discovery in judicial proceedings by court order. However, the definition of "domestic violence program" is limited to those agencies that provide shelter, advocacy and counseling for domestic violence victims. Many local programs provide some, but not all, of these services. Specifically, many local programs do not provide shelter, and thus their client records are subject to discovery and public disclosure.

The PDA does not provide a clear exemption for an employing agency's internal disciplinary investigations. For instance, in sexual harassment cases, both the accused and the accuser could obtain access to the investigatory file while the investigation is being conducted. Current law does exempt from disclosure pending investigations conducted by law enforcement agencies and civil rights agencies.

Summary of Bill: Client records maintained by domestic violence programs that provide shelter, advocacy, or counseling are subject to discovery only by court order and are exempt from disclosure under the Public Disclosure Act to the extent that disclosure would violate personal privacy or vital governmental interests.

Investigative records compiled by an employing agency conducting a current investigation of a violation of the law against discrimination or other federal, state or local laws prohibiting employment discrimination are exempt from disclosure to the extent that disclosure would violate personal privacy or vital governmental interests.

EFFECT OF SENATE AMENDMENT(S): The exemption is limited to only those domestic violence programs that provide advocacy, shelter, or counseling services.

Fiscal Note: Requested January 25, 1994.

Effective Date: The bill takes effect July 1, 1994.

Testimony For: Some local domestic violence programs are not covered under the current exemption. This places these advocates and victims in a difficult and even potentially dangerous situation if disclosure of files is requested.

Files should not be open to the public during the course of a sexual harassment investigation, because there is less opportunity for witnesses to collaborate their testimony or to change it to correspond to what another witness has said. Also, requests for disclosure disrupt the investigatory process. Many witnesses will not speak openly without protection from disclosure. Disclosure after the investigation is complete is more appropriate and corresponds to the law enforcement and civil rights department investigatory exemption.

Testimony Against: None.

Witnesses: Shelly F. Cohen, Seattle Human Rights Department (pro); Sara DeGo, Family Violence Project and Seattle Law Department (pro); and Rowland Thompson, Allied Daily Newspapers (pro).