

HOUSE BILL ANALYSIS

HB 1912

Title: An act relating to preservation of confidential records.

Brief Description: Requiring notification of transfer of personal information.

Sponsors: Representatives Sherstad and Constantine.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Edie Adams (786-7180).

Background: There are numerous state and federal statutes and regulations that require certain types of information to remain confidential except in limited circumstances. For example, state and federal law restrict the circumstances under which medical records may be released.

In addition, there are numerous federal and state laws that require certain information to be available for public inspection and copying. For example, the federal Freedom of Information Act and the state Public Disclosure Act generally require that government agency records be made available to the public.

Summary of Bill: A public or private entity may not transfer information regarding an individual contained in records held by the entity to another person or entity unless the entity simultaneously sends notice of the transfer to all persons identified in the information transferred.

The notice must contain the name of the entity transferring the information, the date of the transfer, the person or entity requesting the transfer, how the information will be used, and a description of the information transferred.

An exception from the notice requirement is provided for law enforcement or correction agency personnel if the notice would compromise an investigation, trial, security, or public safety.

A violation of the notice requirement is a gross misdemeanor offense.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Office of Program Research