

# HOUSE OF REPRESENTATIVES

Olympia, Washington

## Bill Analysis

Bill No. HB 1033

### Protecting certain public transportation information

Brief title

Hearing Date 1/20/99

Reps. Cairnes and Fisher

Sponsor(s)

Staff: Steve Lundin

State Government Committee

Phone: 786-7127

### BACKGROUND:

The open public records law was approved by statute in 1972 as part of Initiative Measure No. 276. All public records of state agencies and local government are open to public inspection and copying, unless law expressly excludes the public records from public inspection and copying. This disclosure requirement is liberally construed and any exception is narrowly construed.

Among the express exclusions the following public records are exempt from inspection and copying by the public: (1) personal information the disclosure of which would violate the right to privacy; (2) certain financial and commercial information supplied by individuals for a program; (3) residential addresses and residential telephone numbers of public utility customers; (4) names, residential addresses, residential telephone numbers and other individually identifiable information for a carpool or other ride-sharing program. These express exclusions exist by virtue of state law with the acquiescence of the public entities holding the public records.

### SUMMARY:

A new discretionary exemption is created for the requirement that public records be available for public inspection and copying.

A public agency may choose not to disclose or allow the copying of names and other personally identifiable information that maintains the following groups of persons who participate in public transportation programs:

- o Current and past participants in carpooling or other ride-sharing programs processed and administered by the public agency, except that the agency may disclose this information to persons who participate or apply to participate in these programs.

- o Persons who acquire and use transcripts of the fair payment media except that the agency may disclose this information to persons who pay the cost of acquiring these transcripts or the fair payment media.
- o Current and past participants apply for a transit with the transit services provided to persons with disabilities to persons.
- o Persons who apply for participation in the public transit program administered by the public agency.

This new discretion exemption does not apply to published statistical information and reports. The information does not identify or be used to identify specific individuals.

This new discretion exemption does not create a right of privacy and does not cause a factious account of the release of this information.

**FISCANOTE:** Not requested.

**EFFECTIVE DATE:** Ninety days after adjournment of session which bill passed.