

FINAL BILL REPORT

ESHB 1996

C 278 L 01

Synopsis as Enacted

Brief Description: Protecting certain data obtained by the department of fish and wildlife.

Sponsors: By House Committee on State Government (originally sponsored by Representatives Lambert and Haigh; by request of Department of Fish and Wildlife).

House Committee on State Government
Senate Committee on Natural Resources, Parks & Shorelines

Background:

The Public Disclosure Act (PDA) requires agencies to make available for public inspection and copying all public records, unless the record falls within a specific exemption. The PDA is liberally construed, and its exemptions narrowly construed, to promote a public policy of keeping the public informed and allowing the public to maintain control of state agencies. The exemptions are specific and generally focus on personal privacy, personal safety, or vital governmental interests. The list of exemptions includes:

- personal information on public school students, patients of public institutions or health agencies, welfare recipients, applicants for public employment, public utility customers, ride-sharing program participants, paratransit program participants, and public transit customers;
- records, maps, or other information identifying the location of archaeological sites to avoid the looting or depredation of such sites;
- business related information obtained during certification of organic food products;
- financial, commercial, and technical research information submitted to the clean Washington center; and
- financial information supplied for an application for a liquor, gambling, or lottery sale license.

Records are not exempt from disclosure if the information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted. Records that are exempt from public inspection and copying may still be released to other agencies responsible for relevant issues, to other persons or groups necessary for the success of the program, to child support enforcement agencies in order to comply with federal law, or at the discretion of the agency.

Summary:

Commercial fishing catch data that identifies specific location, timing, or methodology is exempt from public inspection and copying if release of the data would result in an unfair competitive disadvantage to the commercial fisher that provided the data. However, this information may be released to government agencies concerned with fish and wildlife resource management.

Sensitive wildlife data obtained by the Department of Fish and Wildlife is exempt from public inspection and copying. This includes: (1) nesting sites or specific locations of endangered, threatened, or sensitive species; (2) location data generated by tagging studies; or (3) other location data that could compromise the viability of a fish or wildlife population that has a known commercial or black market value, has a history of malicious take, or has a behavior or ecology that renders it especially vulnerable. This information, however, may be released to government agencies concerned with fish and wildlife resource management.

Personally identifying information from commercial and recreational fishing and hunting licenses is exempt from public disclosure, with the exception of the name and contact address of the licensee, and the type of license, endorsement, or tag. Personally identifying information may be released to government agencies concerned with fish and wildlife resource management, to child support enforcement agencies, and to law enforcement agencies concerned with enforcing firearm regulations.

Votes on Final Passage:

House 93 0
Senate 46 0 (Senate amended)
House 94 0 (House concurred)

Effective: July 22, 2001