

HOUSE BILL REPORT

SSB 6660

As Reported by House Committee On:

State Government

Title: An act relating to protection of personal information about law enforcement officers and their families.

Brief Description: Protecting personal information about law enforcement officers and their families.

Sponsors: Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Prentice, Long, Kastama, Rossi, McAuliffe, McDonald, Costa, Hale, Keiser, Gardner, Oke and Rasmussen).

Brief History:

Committee Activity:

State Government: 2/25/02, 3/1/02 [DPA].

Brief Summary of Substitute Bill (As Amended by House Committee)

- Clarifies that the existing public disclosure exemption for personal information in files maintained for employees, appointees, or elected officials of a public agency applies to law enforcement officers and corrections officers.
- Exempts personal information if disclosure would threaten the employees' safety or the safety of their families.
- Provides that the personal information that is exempt includes, but is not limited to, residential addresses, residential telephone numbers, contents of public employment records, and financial information other than the public salaries paid to the employees, appointees, or elected officials.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass as amended. Signed by 4 members: Representatives Romero, Chair; Miloscia, Vice Chair; McDermott and Schindler.

Minority Report: Do not pass. Signed by 3 members: Representatives McMorris, Ranking Minority Member; Schmidt and Uptegrove.

Staff: Catherine Blinn (786-7114).

Background:

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

- Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;
- The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, volunteer rosters, or mailing lists of employees or volunteers; and
- Applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

A person's right to privacy is only considered invaded or violated if disclosure of the information would be highly offensive to a reasonable person, and disclosure is not of legitimate public concern. The privacy provisions contained in the PDA do not create any right of privacy beyond those rights specified in the law as express exemptions. Records custodians and public agencies, officials, and employees are exempt from liability for any loss or damage caused by the release of a public record as long as they acted in good faith in attempting to comply with the law.

Summary of Amended Bill:

The existing public disclosure exemption for personal information in files maintained for employees, appointees, or elected officials of a public agency is clarified to explicitly include the personal files maintained for law enforcement officers and corrections officers. The personal information is exempt to the extent that disclosure would threaten the employees' safety or the safety of their families, or, under existing law, to the extent that disclosure would violate their right to privacy. The personal information that is exempt includes, but is not limited to, residential addresses, residential telephone numbers, contents of public employment records, and financial information other than the public salaries paid to the employees, appointees, or elected officials.

Amended Bill Compared to Substitute Bill:

The amended bill clarifies that the exemption applies to law enforcement officers and

corrections officers; allows personal information to be exempt if it will threaten the safety of employees or their families; clarifies that residential addresses, telephone numbers, contents of public employment records, and financial information are exempt from disclosure; and removes language referring to property and tax records.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Original bill) Police officers are subject to numerous threats on a daily basis. The bill will provide one more additional shield to protect officers and their families from the threats. The use of the internet has increased access to personal information and has eased the passing of such information on to others. The bill is intended to apply only to departmental records maintained under an employer-employee relationship. All other existing exemptions still apply. The Department of Corrections supports the bill and would like corrections officers included since they, too, face daily threats by convicted felons.

Testimony Against: (Original bill) The public disclosure law requires that all information maintained at county auditors offices and county assessors offices remain public. Most offices prohibit requiring a requestor to provide a name or reason for the public records request. Property and tax records are public records that are not maintained in employee files. Assessors cannot keep private the personal information contained in public property and tax records. Auditors are concerned about how the bill will impact voter registration databases. "Law enforcement officer" is not defined. "Family" is not defined. A re-assessment is occurring regarding what types of information and data should be public, and what should remain private and personal. Until this issue is addressed, knee-jerk reactions to the public disclosure laws, in the form of proposed legislation, will continue to occur. If the bill is intended to exempt records maintained for employment purposes, it does not need to include so many other records maintained for other purposes. Property, tax, and voting records must remain public records. Police officers live in the real world and must interact with the commercial industry; the bill would affect an officer's ability to function in commerce.

Testified: (In support) Michael Transue, Mike Edwards and Craige Price, Seattle, King County, Port of Seattle, Police Department; Lynne De Lano, Department of Corrections; and Aaron Reynolds, Seattle police officer.

(Opposed) Dianne Dorey, Lewis County Assessor; Suzanne Sinclair, Island County Auditor; and Rowland Thompson, Allied Daily Newspapers.

