

SENATE BILL REPORT

SB 6700

As Reported By Senate Committee On:
Judiciary, February 7, 2002

Title: An act relating to limiting publication of personal information of law enforcement-related and court-related employees.

Brief Description: Limiting the publication of personal information of law enforcement and court employees.

Sponsors: Senators Finkbeiner, Roach, Oke and McAuliffe.

Brief History:

Committee Activity: Judiciary: 2/7/02 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6700 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Long, McCaslin, Poulsen, Roach and Thibaudeau.

Staff: Lisa Ellis (786-7421)

Background: Over the interim, the names, telephone numbers, residential addresses, birthdates, social security numbers and other personal information about police officers and their relatives were published over the internet by an individual who was critical of law enforcement personnel. Concern exists that inappropriate dissemination of this information through the internet invades privacy rights and has caused harm for law enforcement personnel, court employees and volunteers for law enforcement agencies and courts.

Courts in Washington are expected to decide issues involving privacy interests, freedom of expression, and appropriate remedies for claims related to internet postings of personal information concerning law enforcement personnel and their relatives.

Summary of Substitute Bill: Unless exempt by law or court order, a person or organization who sells, trades, gives, publishes, distributes or otherwise releases the residential address, residential telephone number, birthdate or social security number of any law enforcement-related or court-related employee, volunteer or someone with a similar name without disclosing his or her full legal name, full business or residential address, and full business or residential telephone number can be liable for damages if (1) intent to harm or intimidate can be shown, (2) the person or organization categories the law enforcement-related or court-related employee or volunteer by that occupation, and (3) the person or organization did not obtain express written permission.

Substitute Bill Compared to Original Bill: Intent to harm or intimidate must be shown in a court action against a person or organization who publicizes certain personal information without disclosing his or her own name, address or telephone number or obtaining written permission. A court may grant an injunction whenever it appears that any person is engaged in or about to engage in any act that constitutes or will constitute a violation.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Internet postings of personal information puts the safety of police officers and their families at risk. Privacy issues should be paramount in considering the constitutionality of posting personal information on the internet. If a private citizen has a complaint about a police officer's conduct, he or she should file a grievance with the appropriate agency rather than harassing or targeting the officer through the internet.

Testimony Against: The language of the bill applies to any county government. It would be difficult for governmental entities to get written permission each time they need to release records involving certain personal information. It should be emphasized that publication of certain related personal information is permitted unless a person or organization categorizes the employee or volunteer by his or her occupation.

Testified: PRO: Donald J. Carroll, Kirkland Police Department; Philip Goguen, Kirkland Police Department; CON: Debbie Wilke, Washington Association of County Officials; Rowland Thompson, Allied Daily Newspapers.