

HOUSE BILL REPORT

HB 3046

As Reported by House Committee On:
State Government

Title: An act relating to the release of personal information.

Brief Description: Protecting public employee personal information.

Sponsors: Representatives Carrell, Armstrong, Haigh, Miloscia, Nixon, Kirby and Bush.

Brief History:

Committee Activity:

State Government: 2/5/04 [DPS].

Brief Summary of Substitute Bill

- Exempts from public disclosure the social security numbers, wireless telephone numbers, email addresses, and emergency contact information of public agency employees and volunteers, and their dependents.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt, McDermott, Nixon, Tom and Wallace.

Staff: Katie 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. Current exemptions include:

- 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 violated if disclosure of the requested information would be considered highly offensive to a reasonable person, *and* the information is not of legitimate concern to the public. This privacy provision does not create an additional "privacy" exemption, but simply clarifies the extent of those exemptions, such as the first one listed above, that include a privacy provision.

Summary of Substitute Bill:

The current exemption that exempts the residential addresses and phone numbers of public employees and volunteers is expanded to include:

- The social security numbers, personal wireless telephone numbers, personal email addresses, and emergency contact information of employees and volunteers; and
- The names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, and emergency contact information of dependents of employees and volunteers.

Substitute Bill Compared to Original Bill:

The substitute bill adds to the exemption the personal wireless telephone numbers and personal email addresses of public agency employees, volunteers, and their dependents.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support) This bill was introduced to fix some technical concerns that were raised with a bill heard earlier in session, HB 2316. It is supported by the Washington Association of Sheriffs and Police Chiefs, the Washington Federation of State Employees, Allied Daily News, and the ACLU. The bill is not too broad but is narrowly drawn.

(With concerns) An amendment may be appropriate to add "appointees" to the "employees and volunteers" of a public agency.

Testimony Against: None.

Persons Testifying: (In support) Representative Carrell; prime sponsor; and Jerry Sheehan, American Civil Liberties Union of Washington.

(With concerns) Vicki Rippie, Public Disclosure Commission.

Persons Signed In To Testify But Not Testifying: None.