

# SENATE BILL REPORT

## SB 5800

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As of February 22, 2005

**Title:** An act relating to exempting home care workers' personal information from public disclosure.

**Brief Description:** Exempting home care workers' personal information from public disclosure.

**Sponsors:** Senators Regala, Roach, Franklin, Benson, Haugen, Zarelli, Keiser, Esser, Poulsen, Pridemore, Schmidt, Benton, Rockefeller, McAuliffe and Rasmussen.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 2/21/05.

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Staff:** Stephanie Yurcisin (786-7438)

**Background:** The public disclosure act requires that all state and local government agencies make all public records available for public inspection and copying unless they fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally and the exceptions narrowly in order to effectuate a general policy favoring disclosure. Examples of statutory exemptions include:

- personal information on students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;
- financial and valuable trade information;
- address and telephone information of employees or volunteers of a public agency; and
- information revealing the identity of persons who are witnesses to or victims of crime.

An individual provider home care worker is defined as a person, including a personal aide, who has contracted with the Department of Social and Health Services to provide personal care or respite care services to functionally disabled persons under the medicaid personal care, community options program entry system, chore services program, or respite care program, or to provide respite care or residential services and support to persons with developmental disabilities.

In 2001, voters approved Initiative 775, which classified home care workers as public employees for the purposes of collective bargaining authority. There is concern that this may unintentionally subject home care workers' personal information to the provisions of the public disclosure act.

**Summary of Bill:** The residential addresses or residential telephone numbers of individual provider home care workers contained in: (1) any public agency's personnel records, public employment related records, or volunteer rosters; or (2) that are included in a mailing list of any public agency's employees or volunteers are exempt from public records disclosure.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** After the initiative passed in 2001, there was confusion as to whether home care workers' personal information would be subject to disclosure as a public record. Many home care workers share a residence with their clients, so releasing the information would also compromise the patient's privacy. This merely clears up an unintended consequence of the initiative.

**Testimony Against:** None.

**Who Testified:** PRO: David Rolf, SEIU.