

SENATE BILL REPORT

ESSB 5098

As Amended by House, April 6, 2011

Title: An act relating to exempting personal information from public inspection and copying.

Brief Description: Exempting personal information from public inspection and copying.

Sponsors: Senate Committee on Government Operations, Tribal Relations & Elections (originally sponsored by Senators Carrell and Chase).

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 1/24/11, 2/01/11 [DPS].

Passed Senate: 3/07/11, 47-1.

Passed House: 4/06/11, 92-0.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5098 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Chase, Nelson and Roach.

Staff: Sharon Swanson (786-7447)

Background: The Public Records Act (PRA) 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 while the exemptions are interpreted narrowly to effectuate the general policy favoring disclosure.

Summary of Engrossed Substitute Bill: The personal information in any files maintained for a participant in an agency or in a community-based program including, but not limited to, early learning or child care services, parks and recreation programs, youth development programs, and after-school programs is exempt from public inspection and copying under the Public Record Act.

Appropriation: None.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: The concern behind this bill is that a city, running a parks and recreation program, has no authority to withhold personal information about a person under the age of 18 who participates in the parks and recreation program. The city can contact the parents but that may take time and can be inefficient. Parents then must seek an injunction to stop a noncustodial parent or a stalker from getting access to their children's personal information, including home address. Allowing the information to be exempt from disclosure protects the city and, more importantly, the children.

CON: If we start enumerating everyone who comes under this provision of law then we will need to enumerate all of them. This bill is unnecessary. Current law exempts personal information in any file maintained for students in public schools, patients or clients of public institutions. The current law covers the situation that this bill is attempting to address. Persons receiving services from a city park program are receiving services from a public institution and this qualifies.

Persons Testifying: PRO: Senator Carrell, prime sponsor; Rick Rosenblandt, City of Firecrest.

CON: Rowland Thompson, Allied Daily Newspapers; Greg Overstreet, Allied Law Group.

House Amendment(s): Amends the bill to provide that the exemption covers personal information for a participant in a public or non-profit program serving or pertaining to children, adolescents, or students, rather than personal information in a file maintained for a participant in a community-based program including parks and recreation programs, youth development programs, and after schools programs. Additionally, the amendment authorizes the disclosure of emergency contact information to appropriate authorities and medical personnel for the purpose of facilitating medical treatment in an emergency situation.