
HOUSE BILL 1989

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Shea, Taylor, Ahern, and McCune

Read first time 02/17/11. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to protecting signatures of citizens from public
2 disclosure by agencies to prevent criminal use of the signatures;
3 amending RCW 42.56.010, 42.56.010, and 42.56.230; creating a new
4 section; providing an effective date; and providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that identity theft is
7 a real and immediate concern to the public. When an individual's
8 identity is stolen, he or she is subjected to undeserved harassment
9 from collection agencies and must defend lawsuits resulting from
10 criminal activity. Identity theft has a traumatic impact on a person's
11 life and financial situation that can have a long-lasting effect.

12 The public records act was enacted so that the people could remain
13 informed about government agencies' activities. The act was not
14 envisioned to be a tool so that individuals could obtain private
15 information about other individuals.

16 The legislature finds that the public disclosure act is often used
17 by convicted criminals. It is unlawful to aid and abet criminals in
18 committing future crimes. The government, with its divulgence of
19 signatures to any person making a public records request, makes it

1 possible for criminals to access signatures of millions of people in
2 the state of Washington so that they can perpetuate fraud and other
3 crimes without the individual being able to protect that information.

4 If members of the public want signatures of a person, they can
5 contact the person directly without using the government as a conduit.
6 Therefore, it is the intent of the legislature to prohibit disclosure
7 of signatures of nonemployees by government entities.

8 **Sec. 2.** RCW 42.56.010 and 2007 c 197 s 1 are each amended to read
9 as follows:

10 The definitions in this section apply throughout this chapter
11 unless the context clearly requires otherwise.

12 (1) "Agency" includes all state agencies and all local agencies.
13 "State agency" includes every state office, department, division,
14 bureau, board, commission, or other state agency. "Local agency"
15 includes every county, city, town, municipal corporation, quasi-
16 municipal corporation, or special purpose district, or any office,
17 department, division, bureau, board, commission, or agency thereof, or
18 other local public agency.

19 (2) "Public record" includes any writing containing information
20 relating to the conduct of government or the performance of any
21 governmental or proprietary function prepared, owned, used, or retained
22 by any state or local agency regardless of physical form or
23 characteristics. For the office of the secretary of the senate and the
24 office of the chief clerk of the house of representatives, public
25 records means legislative records as defined in RCW 40.14.100 and also
26 means the following: All budget and financial records; personnel
27 leave, travel, and payroll records; records of legislative sessions;
28 reports submitted to the legislature; and any other record designated
29 a public record by any official action of the senate or the house of
30 representatives.

31 (3) "Signature" means the name or mark written by the person or at
32 that person's direction and any associated personal information.

33 (4) "Writing" means handwriting, typewriting, printing,
34 photostating, photographing, and every other means of recording any
35 form of communication or representation including, but not limited to,
36 letters, words, pictures, sounds, or symbols, or combination thereof,
37 and all papers, maps, magnetic or paper tapes, photographic films and

1 prints, motion picture, film and video recordings, magnetic or punched
2 cards, discs, drums, diskettes, sound recordings, and other documents
3 including existing data compilations from which information may be
4 obtained or translated.

5 **Sec. 3.** RCW 42.56.010 and 2010 c 204 s 1005 are each amended to
6 read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Agency" includes all state agencies and all local agencies.
10 "State agency" includes every state office, department, division,
11 bureau, board, commission, or other state agency. "Local agency"
12 includes every county, city, town, municipal corporation, quasi-
13 municipal corporation, or special purpose district, or any office,
14 department, division, bureau, board, commission, or agency thereof, or
15 other local public agency.

16 (2) "Person in interest" means the person who is the subject of a
17 record or any representative designated by that person, except that if
18 that person is under a legal disability, "person in interest" means and
19 includes the parent or duly appointed legal representative.

20 (3) "Public record" includes any writing containing information
21 relating to the conduct of government or the performance of any
22 governmental or proprietary function prepared, owned, used, or retained
23 by any state or local agency regardless of physical form or
24 characteristics. For the office of the secretary of the senate and the
25 office of the chief clerk of the house of representatives, public
26 records means legislative records as defined in RCW 40.14.100 and also
27 means the following: All budget and financial records; personnel
28 leave, travel, and payroll records; records of legislative sessions;
29 reports submitted to the legislature; and any other record designated
30 a public record by any official action of the senate or the house of
31 representatives.

32 (4) "Signature" means the name or mark written by the person or at
33 that person's direction and any associated personal information.

34 (5) "Writing" means handwriting, typewriting, printing,
35 photostating, photographing, and every other means of recording any
36 form of communication or representation including, but not limited to,
37 letters, words, pictures, sounds, or symbols, or combination thereof,

1 and all papers, maps, magnetic or paper tapes, photographic films and
2 prints, motion picture, film and video recordings, magnetic or punched
3 cards, discs, drums, diskettes, sound recordings, and other documents
4 including existing data compilations from which information may be
5 obtained or translated.

6 **Sec. 4.** RCW 42.56.230 and 2010 c 106 s 102 are each amended to
7 read as follows:

8 The following personal information is exempt from public inspection
9 and copying under this chapter:

10 (1) Personal information in any files maintained for students in
11 public schools, patients or clients of public institutions or public
12 health agencies, or welfare recipients;

13 (2) Personal information in files maintained for employees,
14 appointees, or elected officials of any public agency to the extent
15 that disclosure would violate their right to privacy;

16 (3) Information required of any taxpayer in connection with the
17 assessment or collection of any tax if the disclosure of the
18 information to other persons would: (a) Be prohibited to such persons
19 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
20 authorized under RCW 35.102.145; or (b) violate the taxpayer's right to
21 privacy or result in unfair competitive disadvantage to the taxpayer;

22 (4) Credit card numbers, debit card numbers, electronic check
23 numbers, card expiration dates, or bank or other financial account
24 numbers, except when disclosure is expressly required by or governed by
25 other law;

26 (5) Personal and financial information related to a small loan or
27 any system of authorizing a small loan in RCW 31.45.093; (~~and~~)

28 (6) Documents and related materials and scanned images of documents
29 and related materials used to prove identity, age, residential address,
30 social security number, or other personal information required to apply
31 for a driver's license or identicard; and

32 (7) Signatures of individuals, excluding signatures of agency
33 employees acting in their official capacity.

34 NEW SECTION. **Sec. 5.** Section 2 of this act expires January 1,
35 2012.

1 NEW SECTION. **Sec. 6.** Section 3 of this act takes effect January
2 1, 2012.

--- END ---