

SB 6141 - H COMM AMD

By Committee on Government Operations & Elections

ADOPTED 03/05/2014

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 81.77 RCW  
4 to read as follows:

5 Records, subject to chapter 42.56 RCW, filed with the commission or  
6 the attorney general from any person that contain valuable commercial  
7 information, including trade secrets or confidential marketing, cost,  
8 or financial information, or customer-specific usage information, are  
9 not subject to inspection or copying under chapter 42.56 RCW: (1)  
10 Until notice to the person or persons directly affected has been given;  
11 and (2) if, within ten days of the notice, the person has obtained a  
12 superior court order protecting the records as confidential. The court  
13 must determine that the records are confidential and not subject to  
14 inspection and copying if disclosure is likely to result in private  
15 loss, including an unfair competitive disadvantage, and is not  
16 necessary for further public review and comment on the appropriate  
17 allocation of costs and revenues. When providing information to the  
18 commission or the attorney general, a person shall designate which  
19 records or portions of records contain valuable commercial information.  
20 Nothing in this section prevents the use of protective orders by the  
21 commission governing disclosure of proprietary or confidential  
22 information in contested proceedings.

23 **Sec. 2.** RCW 42.56.330 and 2012 c 68 s 4 are each amended to read  
24 as follows:

25 The following information relating to public utilities and  
26 transportation is exempt from disclosure under this chapter:

27 (1) Records filed with the utilities and transportation commission  
28 or attorney general under RCW 80.04.095 or section 1 of this act that

1 a court has determined are confidential under RCW 80.04.095 or section  
2 1 of this act;

3 (2) The residential addresses and residential telephone numbers of  
4 the customers of a public utility contained in the records or lists  
5 held by the public utility of which they are customers, except that  
6 this information may be released to the division of child support or  
7 the agency or firm providing child support enforcement for another  
8 state under Title IV-D of the federal social security act, for the  
9 establishment, enforcement, or modification of a support order;

10 (3) The names, residential addresses, residential telephone  
11 numbers, and other individually identifiable records held by an agency  
12 in relation to a vanpool, carpool, or other ride-sharing program or  
13 service; however, these records may be disclosed to other persons who  
14 apply for ride-matching services and who need that information in order  
15 to identify potential riders or drivers with whom to share rides;

16 (4) The personally identifying information of current or former  
17 participants or applicants in a paratransit or other transit service  
18 operated for the benefit of persons with disabilities or elderly  
19 persons;

20 (5) The personally identifying information of persons who acquire  
21 and use transit passes or other fare payment media including, but not  
22 limited to, stored value smart cards and magnetic strip cards, except  
23 that an agency may disclose personally identifying information to a  
24 person, employer, educational institution, or other entity that is  
25 responsible, in whole or in part, for payment of the cost of acquiring  
26 or using a transit pass or other fare payment media for the purpose of  
27 preventing fraud, or to the news media when reporting on public  
28 transportation or public safety. As used in this subsection,  
29 "personally identifying information" includes acquisition or use  
30 information pertaining to a specific, individual transit pass or fare  
31 payment media.

32 (a) Information regarding the acquisition or use of transit passes  
33 or fare payment media may be disclosed in aggregate form if the data  
34 does not contain any personally identifying information.

35 (b) Personally identifying information may be released to law  
36 enforcement agencies if the request is accompanied by a court order;

37 (6) Any information obtained by governmental agencies that is  
38 collected by the use of a motor carrier intelligent transportation

1 system or any comparable information equipment attached to a truck,  
2 tractor, or trailer; however, the information may be given to other  
3 governmental agencies or the owners of the truck, tractor, or trailer  
4 from which the information is obtained. As used in this subsection,  
5 "motor carrier" has the same definition as provided in RCW 81.80.010;

6 (7) The personally identifying information of persons who acquire  
7 and use transponders or other technology to facilitate payment of  
8 tolls. This information may be disclosed in aggregate form as long as  
9 the data does not contain any personally identifying information. For  
10 these purposes aggregate data may include the census tract of the  
11 account holder as long as any individual personally identifying  
12 information is not released. Personally identifying information may be  
13 released to law enforcement agencies only for toll enforcement  
14 purposes. Personally identifying information may be released to law  
15 enforcement agencies for other purposes only if the request is  
16 accompanied by a court order; and

17 (8) The personally identifying information of persons who acquire  
18 and use a driver's license or identicard that includes a radio  
19 frequency identification chip or similar technology to facilitate  
20 border crossing. This information may be disclosed in aggregate form  
21 as long as the data does not contain any personally identifying  
22 information. Personally identifying information may be released to law  
23 enforcement agencies only for United States customs and border  
24 protection enforcement purposes. Personally identifying information  
25 may be released to law enforcement agencies for other purposes only if  
26 the request is accompanied by a court order."

27 Correct the title.

EFFECT: Changes the test a court must use in determining whether  
solid waste collection company records containing valuable commercial  
information are confidential and not subject to disclosure. Provides  
that in addition to determining that disclosure is likely to result in  
private loss, the court must determine the records are not necessary  
for further public review and comment on the appropriate allocation of  
costs and revenues.

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