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## Government Operations & Elections Committee

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### HB 1298

**Brief Description:** Implementing the recommendations of the sunshine committee.

**Sponsors:** Representatives Springer, Hunt, Ryu and Pollet; by request of Public Records Exemptions Accountability Committee.

#### Brief Summary of Bill

- Makes changes to exemptions from public inspection and copying related to personal information contained in agency files, examination reports held in the Office of the Insurance Commissioner, and examination reports obtained by the Washington Pollution Liability Insurance Program.

**Hearing Date:** 2/5/13

**Staff:** Marsha Reilly (786-7135).

#### 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 and the exemptions narrowly in order to effectuate a general policy favoring disclosure.

Certain personal information contained in the files of an agency is exempt from public inspection and copying under the PRA:

- Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

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- Applications for public employment, including the names of applicants, resumes, and other related materials.
- The names, residential addresses, residential telephone numbers, and other individually identifiable records relating to a vanpool, carpool, or other ride-sharing program or service, except to other persons who apply for ride-matching services and need the information for purposes of ride-sharing.
- Personally identifying information of persons who acquire and use transit passes or other fare payment media, except to entities responsible for payment of the cost of acquiring or using a transit pass or other fare payment media for the purpose of preventing fraud or to the news media when reporting on public transportation or public safety.

The market conduct examination report held in the Office of the Insurance Commissioner (OIC) is confidential and not filed for public inspection until after the hearing. Once adopted, the report is held private and confidential for five days and then the OIC may open the report for public inspection. The OIC may withhold any examination or investigation report for so long as it deems it advisable.

All examination and proprietary reports and information obtained by the Washington Pollution Liability Insurance Program related to soliciting bids from insurers and in monitoring the insurer are not disclosable.

#### **Summary of Bill:**

The exemption pertaining to personal information contained in the files of an agency are expanded and clarified.

Financial information is exempted from disclosure and includes information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit, including account numbers and balances, transactional information concerning an account, and codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identocard numbers issued by the Department of Licensing, and other information held for the purpose of account access or transaction initiation.

Applications for public employment are exempt from disclosure subject to the following conditions:

- The applications of finalists applying for the highest management position in an agency with confidential reference information removed or redacted are not exempt from disclosure.
- Application materials not exempt from disclosure must be available to the public after the finalists are selected, but before the agency makes its decision.

Employment does not include service on boards or commissions where the individual does not receive pay or benefits, even if that individual may receive minimal reimbursement or stipend for expenses.

The disclosure of information allowed in a ride-sharing program to individuals who apply for ride sharing is limited to the participants' names, general locations, and e-mail addresses.

Personally identifying information of persons who acquire and use transit passes or other fare payment media is no longer disclosable to the news media.

The OIC must disclose market conduct examination reports for public inspection and copying five days after the report is adopted.

Examination reports obtained by the Washington Pollution Liability Insurance Program are no longer exempt from disclosure.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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