
Local Government Committee

HB 2114

Brief Description: Clarifying the exemption in the public records act for customer information held by public utilities.

Sponsors: Representatives Kretz, Van De Wege, Takko and Nealey.

Brief Summary of Bill

- Modifies an existing Public Records Act exemption for customer information held by a public utility to exempt from disclosure customers' telephone numbers, electronic contact information, and specific utility usage and billing information.

Hearing Date: 1/13/14

Staff: Michaela Murdock (786-7289).

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 Washington Supreme Court has stated that the general purpose of the exemptions is to "exempt from public inspection those categories of public records most capable of causing substantial damage to the privacy rights of citizens or damage to vital functions of government." The provisions requiring public records disclosure must be interpreted liberally and the exemptions narrowly in order to effectuate a general policy favoring disclosure.

While not defined within the PRA, in general, public utilities supply a utility service or commodity, such as telecommunications, sewer, water, energy, or solid waste or refuse, to the public for compensation. Certain information relating to public utilities is exempt from disclosure under the PRA, including customers' residential addresses and residential telephone numbers contained in the records or lists held by the public utility of which they are customers. Residential addresses and residential telephone numbers may be released, though, to the Division of Child Support or the agency or firm providing child support enforcement for another state.

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.

The PRA includes numerous other exemptions and disclosure prohibitions. For example, there are exemptions for information, the disclosure of which would constitute an invasion or violation of personal privacy (*i.e.*, the disclosure would be highly offensive to a reasonable person and is not of legitimate concern to the public); certain personal information like credit and debit card numbers, bank or other financial account numbers, and documents and materials used to prove identity, age, residential address, social security number, or other personal information required to obtain a driver's license or identicaid; and other financial, commercial, and proprietary information.

Summary of Bill:

An exemption from disclosure under the PRA for customer information held by public utilities is expanded. In addition to residential addresses and telephone numbers, the following information for all customers of a public utility that is contained in the records or lists held by the public utility is exempt from disclosure:

- telephone numbers;
- electronic contact information; and
- customer-specific utility usage and billing information in increments less than a billing cycle or a month, whichever is greater.

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.