
Government Operations & Elections Committee

HB 2128

Brief Description: Creating a public disclosure exemption for global positioning system data that shows the residence of an employee or agent of a criminal justice agency.

Sponsors: Representatives Dahlquist, Bergquist, Hayes, Hurst, Ross and Freeman.

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| <p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Exempts from public disclosure global positioning system data that show the residence of an employee or agent of a criminal justice agency. |
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Hearing Date: 1/15/14

Staff: Jasmine Vasavada (786-7301).

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 must be interpreted narrowly in order to effectuate a general policy favoring disclosure.

Personal information in files maintained for employees, appointees, or elected officials of any public agency is exempt from public inspection and copying, only to the extent that disclosure would violate their right to privacy. A court must find two elements to determine that a person's right to privacy is invaded: (1) the disclosure would be highly offensive to a reasonable person; and (2) the disclosure is not of legitimate concern to the public. Numerous court decisions have held that certain information in files maintained for public employees is of legitimate public concern and therefore not exempt from disclosure under the PRA.

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.

Another PRA exemption exists for certain information relating to investigative records, law enforcement, and crime victims. This includes, for example, an exemption for specific investigative records compiled by law enforcement, and an exemption for the identity of a state employee or officer who has in good faith reported improper governmental action.

Summary of Bill:

A new exemption from disclosure under the Public Records Act is created for global positioning system (GPS) data that shows the residence of an employee or agent of a criminal justice agency. "Criminal justice agency" means (a) a court; or (b) a government agency that performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice. "Data that shows the residence" means GPS coordinates or approximate addresses corresponding to points located within a three mile distance from the employee or agent's residential address at the time of the request.

The new GPS data exemption is not applicable when the GPS data is related to the arrival of an employee or agent at an incident, or to the conduct of an enforcement action.

Appropriation: None.

Fiscal Note: Available.

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