HOUSE BILL REPORT
ESHB 2376

As Passed House:
February 17, 2014

Title: An act relating to exempting agency employee driver's license numbers, identicard numbers, and identification numbers from public inspection and copying.

Brief Description: Exempting agency employee driver's license numbers and identicard numbers from public inspection and copying.

Sponsors: House Committee on Government Operations & Elections (originally sponsored by Representatives Hayes, S. Hunt, Haler, Appleton, Zeiger, Farrell, Reykdal, MacEwen, Sawyer, Holy, Harris, Ross, Roberts, Springer, Wylie, Ryu, Morrell, Parker and Freeman).

Brief History:
Committee Activity:
Government Operations & Elections: 1/24/14, 2/4/14 [DPS].
Floor Activity:
Passed House: 2/17/14, 89-8.

Brief Summary of Engrossed Substitute Bill

- Exempts public agency employee and volunteer driver's license numbers and identicard numbers from public inspection and copying.

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Young, Assistant Ranking Minority Member; Christian, Kretz, Manweller, Orwall and Robinson.

Minority Report: Do not pass. Signed by 3 members: Representatives Taylor, Ranking Minority Member; Carlyle and Van De Wege.

Staff: Amanda Ondrick (786-7296) and 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 employment and licensing information contained in the files of an agency is exempt from public inspection and copying under the PRA such as:
- examination data used to administer a license, employment, or academic examination;
- all applications for public employment including names of applicants, resumes, and other related materials submitted with respect to the applicant; and
- certain personal information of employees or volunteers of a public agency such as residential addresses, phone numbers, electronic mail (e-mail) addresses, Social Security numbers, and emergency contact information.

Summary of Engrossed Substitute Bill:

The exemption pertaining to employment and licensing information contained in the files of an agency are expanded. The Public Records Act is amended to exempt driver's license numbers and identicard numbers from public inspection and copying.

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.

Staff Summary of Public Testimony:

(In support) This is a request of state employees because it is easy to find people with today's technology. People can decode information about someone with a driver's license number and tools such as Google. People can use employee numbers to mess with financial records and banks accounts. This bill puts Washington more in line with federal standards. Personal information should not be handed over to anyone who wants it.

People can access all employee information through the Department of Enterprise's (DES) web portal and it links to a lot of sensitive personal information. When someone accesses an account in the DES, it is easy to reset passwords, which allows someone to compromise an employee's information. This can lead to identify theft and compromise personal safety. It is terribly important to protect these numbers.

People in jail find new ways to threaten state and public employees. Employees have been subject to attacks because of the PRA. It is not the employers function to provide the means to harass employees and employers should not have to comply with bad actors in society. An inmate's motive for trying to gather this information is to win penalty fees. State employees should not be subject to this. The Washington Federation of State Employees is receiving phone calls from worried employees that are concerned about employee identification

numbers and driver's license numbers being given to an inmate in jail. Although a judge was sympathetic to their cause, he found that the law did not protect an employee's driver's license number, identification number, place of employment, or how much they made for a living. A Thurston County inmate had been given employee information and this made the employee worried for her safety. This conduct could lead to the loss of retirement, savings, and a home.

(In support with amendment(s)) This law serves a valid purpose. Newspapers use employee identification numbers to track employees and bad conduct. Employee identification numbers are necessary for public disclosure but it is okay to ban driver's license and identicard numbers. There was a bill passed few years ago that lets a judge decide whether to provide personal information. This law does not need to be reiterated.

The DES needs to stop using employee identification numbers as a login for employee accounts. It is not the release of those numbers that makes it threatening, it is the DES procedure.

(Opposed) None.

Persons Testifying: (In support) Representative Hayes, prime sponsor; Anita Hunter, Maureen VanDeuren, and Susan Berger, Washington Federation of State Employees; and Dave Schiel, Washington Public Employees Association.

(In support with amendment(s)) Rowland Thompson, Allied Daily Newspapers of Washington and Washington Newspaper Publishers Association.

Persons Signed In To Testify But Not Testifying: None.