

HOUSE BILL REPORT

SB 5198

As Reported by House Committee On: Government Operations & Elections

Title: An act relating to exempting from public inspection and copying personal information relating to children.

Brief Description: Exempting personal information relating to children from public inspection and copying.

Sponsors: Senators Darneille, Dammeier, Harper, Billig and Roach; by request of Department of Early Learning.

Brief History:

Committee Activity:

Government Operations & Elections: 3/19/13, 3/20/13, 3/26/13 [DPA].

Brief Summary of Bill (As Amended by Committee)

- Removes specified personal information from the list of exempted material in certain files.
- Exempts personal information contained in child care and early learning records from public disclosure.
- Exempts actual enumeration data collected for purposes of annexations and population determinations and retained by the Office of Financial Management from public disclosure.

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass as amended. Signed by 10 members: Representatives Hunt, Chair; Bergquist, Vice Chair; Buys, Ranking Minority Member; Alexander, Carlyle, Fitzgibbon, Kristiansen, Manweller, Orwall and Van De Wege.

Minority Report: Do not pass. Signed by 1 member: Representative Taylor, Assistant Ranking Minority Member.

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.

Staff: Marsha Reilly (786-7135).

Background:

The Public Records Act 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.

Early Learning Records.

Prior to July 1, 2006, the Department of Early Learning (DEL) existed within the Department of Social and Health Services (DSHS) as the Division of Child Care and Early Learning. At that time, personal information (i.e. welfare or medical status) contained in child care and early learning records had been protected under the DSHS statutes regarding confidential records. When the DEL became an independent agency, the confidentiality protections afforded to individuals whose personal information is documented in child care and early learning records under the DSHS statutes became obsolete.

Annexations.

Annexations by cities and towns and annexations by code cities, while governed by separate statutes, share a common requirement for the annexing jurisdiction to determine the resident population of the territory to be annexed. Actual enumeration must be used to account for the population of territory to be annexed if:

- the annexing city has a population of 10,000 or fewer inhabitants;
- the territory to be annexed consists entirely of one or more partial census blocks; or
- the annexation does not occur within the 12 months immediately following release of the 2010 federal decennial census data.

An annexing city may always choose to use actual enumeration to determine the population of territory to be annexed.

Population Determinations.

Population determinations made through actual enumeration must be conducted in accordance with the practices and policies, and subject to the approval of, the Office of Financial Management (OFM), which uses the information supplied through the annexation process in annually calculating the population of all cities and towns in the state.

State-shared revenues from the gasoline tax, liquor board profits, and the liquor excise tax are distributed to cities on the basis of population as determined by the OFM. For a city to have its population adjusted for an annexation for purposes of state-shared revenue distributions, the OFM must certify the annexation, after which it notifies the appropriate state agencies of the population change.

For purposes of distributing funds based on the population of a county, the population must be determined by the most recent census, population estimate by the OFM, or special county census as certified by the OFM.

Summary of Amended Bill:

The list of specified personal information not disclosable (addresses, telephone numbers, personal electronic mail addresses, social security numbers, emergency contact, and date of birth information) contained in files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients is removed. A new exemption for personal information contained in any file maintained by the DEL for a child enrolled in licensed child care is added. The term "participant" is replaced with "child enrolled" pertaining to exempted personal information for those taking part in a public or nonprofit program serving or pertaining to children, adolescents, or students.

Actual enumeration data collected for annexation of unincorporated areas and by code cities and for purposes of population determinations by the OFM may only be used and retained by the OFM. The enumeration data collected is confidential and not subject to public disclosure pursuant to the Public Records Act.

Amended Bill Compared to Original Bill:

The amended bill adds an exemption for actual enumeration data collected for purposes of annexations and population determinations and retained by the OFM from public disclosure.

Appropriation: None.**Fiscal Note:** Available.**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.**Staff Summary of Public Testimony:**

(In support) The DEL was originally part of the DSHS. The exemption regarding children in private child care programs is under the purview of the DSHS. This information, if released, could be used to find addresses for purposes of child custody, or under domestic violence situations. The bill would exempt personal information. The bill represents a compromise worked out with the DEL. Enumerations can be a limiting factor, so they were removed in favor of personal information.

(Opposed) None.

Persons Testifying: Senator Darneille, prime sponsor; and Rowland Thompson, Allied Daily Newspapers.**Persons Signed In To Testify But Not Testifying:** None.