

HOUSE BILL REPORT

SSB 6007

As Passed House:
March 5, 2014

Title: An act relating to clarifying the exemption in the public records act for customer information held by public utilities.

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

Sponsors: Senate Committee on Governmental Operations (originally sponsored by Senators Rivers, Hatfield, Braun, Tom and Benton).

Brief History:

Committee Activity:

Local Government: 2/19/14, 2/26/14 [DP].

Floor Activity:

Passed House: 3/5/14, 98-0.

Brief Summary of Substitute Bill

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

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 9 members: Representatives Takko, Chair; Gregerson, Vice Chair; Overstreet, Ranking Minority Member; Kochmar, Assistant Ranking Minority Member; Farrell, Fitzgibbon, Pike, Springer and Taylor.

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

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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." Provisions requiring public records disclosure must be interpreted liberally and exemptions narrowly in order to effectuate a general policy favoring disclosure.

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.

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:

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

- addresses;
- telephone numbers;
- electronic contact information; and
- customer-specific utility usage and billing information in increments less than a billing cycle.

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 bill will protect customers. It protects both electronic contact information and usage information. Public utility districts around the state developed this bill. The Senate version before the committee is slightly different than the House companion that was

previously passed; its language has been simplified to protect information that is less than a billing cycle.

(Opposed) None.

Persons Testifying: Senator Rivers, prime sponsor; and Bill Clarke, Washington Public Utility Districts Association.

Persons Signed In To Testify But Not Testifying: None.