

SHB 1980 - H AMD 241

By Representative Hunt, S.

ADOPTED 3/10/2015

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 42.56.230 and 2014 c 142 s 1 are each amended to
4 read as follows:

5 The following personal information is exempt from public
6 inspection and copying under this chapter:

7 (1) Personal information in any files maintained for students in
8 public schools, patients or clients of public institutions or public
9 health agencies, or welfare recipients;

10 (2)(a) Personal information:

11 (i) For a child enrolled in licensed child care in any files
12 maintained by the department of early learning; or

13 (ii) For a child enrolled in a public or nonprofit program
14 serving or pertaining to children, adolescents, or students,
15 including but not limited to early learning or child care services,
16 parks and recreation programs, youth development programs, and after-
17 school programs.

18 (b) Emergency contact information under this subsection (2) may
19 be provided to appropriate authorities and medical personnel for the
20 purpose of treating the individual during an emergency situation;

21 (3) Personal information in files maintained for employees,
22 appointees, or elected officials of any public agency to the extent
23 that disclosure would violate their right to privacy;

24 (4) Information required of any taxpayer in connection with the
25 assessment or collection of any tax if the disclosure of the
26 information to other persons would: (a) Be prohibited to such persons
27 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
28 authorized under RCW 35.102.145; or (b) violate the taxpayer's right
29 to privacy or result in unfair competitive disadvantage to the
30 taxpayer;

31 (5) Credit card numbers, debit card numbers, electronic check
32 numbers, card expiration dates, or bank or other financial (~~account~~
33 ~~numbers~~) information as defined in RCW 9.35.005 including social

1 security numbers, except when disclosure is expressly required by or
2 governed by other law;

3 (6) Personal and financial information related to a small loan or
4 any system of authorizing a small loan in RCW 31.45.093;

5 (7)(a) Any record used to prove identity, age, residential
6 address, social security number, or other personal information
7 required to apply for a driver's license or identicard.

8 (b) Information provided under RCW 46.20.111 that indicates that
9 an applicant declined to register with the selective service system.

10 (c) Any record pertaining to a vehicle license plate, driver's
11 license, or identicard issued under RCW 46.08.066 that, alone or in
12 combination with any other records, may reveal the identity of an
13 individual, or reveal that an individual is or was, performing an
14 undercover or covert law enforcement, confidential public health
15 work, public assistance fraud, or child support investigative
16 activity. This exemption does not prevent the release of the total
17 number of vehicle license plates, drivers' licenses, or identicards
18 that, under RCW 46.08.066, an agency or department has applied for,
19 been issued, denied, returned, destroyed, lost, and reported for
20 misuse.

21 (d) Any record pertaining to a vessel registration issued under
22 RCW 88.02.330 that, alone or in combination with any other records,
23 may reveal the identity of an individual, or reveal that an
24 individual is or was, performing an undercover or covert law
25 enforcement activity. This exemption does not prevent the release of
26 the total number of vessel registrations that, under RCW 88.02.330,
27 an agency or department has applied for, been issued, denied,
28 returned, destroyed, lost, and reported for misuse; and

29 (8) All information related to individual claims resolution
30 structured settlement agreements submitted to the board of industrial
31 insurance appeals under RCW 51.04.063, other than final orders from
32 the board of industrial insurance appeals.

33 Upon request by the legislature, the department of licensing
34 shall provide a report to the legislature containing all of the
35 information in subsection (7)(c) and (d) of this section that is
36 subject to public disclosure.

37 (9) Voluntarily submitted information contained in a database
38 that is part of or associated with enhanced 911 emergency
39 communications systems, or information contained or used in emergency
40 notification systems as provided under sections 5 and 6 of this act.

1 **Sec. 2.** RCW 42.56.240 and 2013 c 315 s 2, 2013 c 190 s 7, and
2 2013 c 183 s 1 are each reenacted and amended to read as follows:

3 The following investigative, law enforcement, and crime victim
4 information is exempt from public inspection and copying under this
5 chapter:

6 (1) Specific intelligence information and specific investigative
7 records compiled by investigative, law enforcement, and penology
8 agencies, and state agencies vested with the responsibility to
9 discipline members of any profession, the nondisclosure of which is
10 essential to effective law enforcement or for the protection of any
11 person's right to privacy;

12 (2) Information revealing the identity of persons who are
13 witnesses to or victims of crime or who file complaints with
14 investigative, law enforcement, or penology agencies, other than the
15 commission, if disclosure would endanger any person's life, physical
16 safety, or property. If at the time a complaint is filed the
17 complainant, victim, or witness indicates a desire for disclosure or
18 nondisclosure, such desire shall govern. However, all complaints
19 filed with the commission about any elected official or candidate for
20 public office must be made in writing and signed by the complainant
21 under oath;

22 (3) Any records of investigative reports prepared by any state,
23 county, municipal, or other law enforcement agency pertaining to sex
24 offenses contained in chapter 9A.44 RCW or sexually violent offenses
25 as defined in RCW 71.09.020, which have been transferred to the
26 Washington association of sheriffs and police chiefs for permanent
27 electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

28 (4) License applications under RCW 9.41.070; copies of license
29 applications or information on the applications may be released to
30 law enforcement or corrections agencies;

31 (5) Information revealing the identity of child victims of sexual
32 assault who are under age eighteen. Identifying information (~~means~~)
33 includes, but is not limited to, the child victim's name, address,
34 location, photograph, and in cases in which the child victim is a
35 relative or stepchild of the alleged perpetrator, identification of
36 the relationship between the child and the alleged perpetrator;

37 (6) Information contained in a local or regionally maintained
38 gang database as well as the statewide gang database referenced in
39 RCW 43.43.762;

1 (7) Data from the electronic sales tracking system established in
2 RCW 69.43.165;

3 (8) Information submitted to the statewide unified sex offender
4 notification and registration program under RCW 36.28A.040(6) by a
5 person for the purpose of receiving notification regarding a
6 registered sex offender, including the person's name, residential
7 address, and email address;

8 (9) Personally identifying information collected by law
9 enforcement agencies pursuant to local security alarm system programs
10 and vacation crime watch programs. Nothing in this subsection shall
11 be interpreted so as to prohibit the legal owner of a residence or
12 business from accessing information regarding his or her residence or
13 business; ((and))

14 (10) The felony firearm offense conviction database of felony
15 firearm offenders established in RCW 43.43.822; ((and))

16 (11) The identity of a state employee or officer who has in good
17 faith filed a complaint with an ethics board, as provided in RCW
18 42.52.410, or who has in good faith reported improper governmental
19 action, as defined in RCW 42.40.020, to the auditor or other public
20 official, as defined in RCW 42.40.020; and

21 (12) The following security threat group information collected
22 and maintained by the department of corrections pursuant to RCW
23 72.09.745: (a) Information that could lead to the identification of a
24 person's security threat group status, affiliation, or activities;
25 (b) information that reveals specific security threats associated
26 with the operation and activities of security threat groups; and (c)
27 information that identifies the number of security threat group
28 members, affiliates, or associates.

29 **Sec. 3.** RCW 42.56.330 and 2014 c 170 s 2 and 2014 c 33 s 1 are
30 each reenacted and amended to read as follows:

31 The following information relating to public utilities and
32 transportation is exempt from disclosure under this chapter:

33 (1) Records filed with the utilities and transportation
34 commission or attorney general under RCW 80.04.095 or 81.77.210 that
35 a court has determined are confidential under RCW 80.04.095 or
36 81.77.210;

37 (2) The addresses, telephone numbers, electronic contact
38 information, and customer-specific utility usage and billing
39 information in increments less than a billing cycle of the customers

1 of a public utility contained in the records or lists held by the
2 public utility of which they are customers, except that this
3 information may be released to the division of child support or the
4 agency or firm providing child support enforcement for another state
5 under Title IV-D of the federal social security act, for the
6 establishment, enforcement, or modification of a support order;

7 (3) The names, residential addresses, residential telephone
8 numbers, and other individually identifiable records held by an
9 agency in relation to a vanpool, carpool, or other ride-sharing
10 program or service(~~(; however, these records)~~). Participant's names,
11 general locations, and point of contact may be disclosed to other
12 persons who apply for ride-matching services and who need that
13 information in order to identify potential riders or drivers with
14 whom to share rides;

15 (4) The personally identifying information of current or former
16 participants or applicants in a paratransit or other transit service
17 operated for the benefit of persons with disabilities or elderly
18 persons;

19 (5) The personally identifying information of persons who acquire
20 and use transit passes or other fare payment media including, but not
21 limited to, stored value smart cards and magnetic strip cards, except
22 that an agency may disclose personally identifying information to a
23 person, employer, educational institution, or other entity that is
24 responsible, in whole or in part, for payment of the cost of
25 acquiring or using a transit pass or other fare payment media for the
26 purpose of preventing fraud(~~(, or to the news media when reporting on~~
27 ~~public transportation or public safety)~~). As used in this subsection,
28 "personally identifying information" includes acquisition or use
29 information pertaining to a specific, individual transit pass or fare
30 payment media.

31 (a) Information regarding the acquisition or use of transit
32 passes or fare payment media may be disclosed in aggregate form if
33 the data does not contain any personally identifying information.

34 (b) Personally identifying information may be released to law
35 enforcement agencies if the request is accompanied by a court order;

36 (6) Any information obtained by governmental agencies that is
37 collected by the use of a motor carrier intelligent transportation
38 system or any comparable information equipment attached to a truck,
39 tractor, or trailer; however, the information may be given to other
40 governmental agencies or the owners of the truck, tractor, or trailer

1 from which the information is obtained. As used in this subsection,
2 "motor carrier" has the same definition as provided in RCW 81.80.010;

3 (7) The personally identifying information of persons who acquire
4 and use transponders or other technology to facilitate payment of
5 tolls. This information may be disclosed in aggregate form as long as
6 the data does not contain any personally identifying information. For
7 these purposes aggregate data may include the census tract of the
8 account holder as long as any individual personally identifying
9 information is not released. Personally identifying information may
10 be released to law enforcement agencies only for toll enforcement
11 purposes. Personally identifying information may be released to law
12 enforcement agencies for other purposes only if the request is
13 accompanied by a court order; and

14 (8) The personally identifying information of persons who acquire
15 and use a driver's license or identicard that includes a radio
16 frequency identification chip or similar technology to facilitate
17 border crossing. This information may be disclosed in aggregate form
18 as long as the data does not contain any personally identifying
19 information. Personally identifying information may be released to
20 law enforcement agencies only for United States customs and border
21 protection enforcement purposes. Personally identifying information
22 may be released to law enforcement agencies for other purposes only
23 if the request is accompanied by a court order.

24 **Sec. 4.** RCW 70.148.060 and 2005 c 274 s 341 are each amended to
25 read as follows:

26 (1) All (~~examination and proprietary reports and~~) information
27 except for proprietary reports or information obtained by the
28 director and the director's staff in soliciting bids from insurers
29 and in monitoring the insurer selected by the director shall (~~not~~)
30 be made public or otherwise disclosed to any person, firm,
31 corporation, agency, association, governmental body, or other entity.

32 (2) Subsection (1) of this section notwithstanding, the director
33 may furnish all or part of examination reports prepared by the
34 director or by any person, firm, corporation, association, or other
35 entity preparing the reports on behalf of the director to:

36 (a) The Washington state insurance commissioner;

37 (b) A person or organization officially connected with the
38 insurer as officer, director, attorney, auditor, or independent
39 attorney or independent auditor; and

1 (c) The attorney general in his or her role as legal advisor to
2 the director.

3 (3) Subsection (1) of this section notwithstanding, the director
4 may furnish all or part of the examination or proprietary reports or
5 information obtained by the director to:

6 (a) The Washington state insurance commissioner; and

7 (b) A person, firm, corporation, association, governmental body,
8 or other entity with whom the director has contracted for services
9 necessary to perform his or her official duties.

10 (4) (~~Examination reports and~~) Proprietary information obtained
11 by the director and the director's staff (~~are~~) is not subject to
12 public disclosure under chapter 42.56 RCW.

13 (5) A person who violates any provision of this section is guilty
14 of a gross misdemeanor.

15 NEW SECTION. **Sec. 5.** A new section is added to chapter 38.52
16 RCW to read as follows:

17 (1) Information contained in an automatic number identification
18 or automatic location identification database that is part of a
19 county enhanced 911 emergency communications system as defined in RCW
20 82.14B.020 and intended for display at a public safety answering
21 point with incoming 911 voice or data is confidential and exempt from
22 public inspection and copying under chapter 42.56 RCW.

23 (2) Information voluntarily submitted to be contained in a
24 database that is part of or associated with a county enhanced 911
25 emergency communications system as defined in RCW 82.14B.020 and
26 intended for the purpose of display at a public safety answering
27 point with incoming 911 voice or data is confidential and exempt from
28 public inspection and copying under chapter 42.56 RCW.

29 (3) This section shall not be interpreted to prohibit:

30 (a) Display of information at a public safety answering point;

31 (b) Dissemination of information by the public safety answering
32 point to police, fire, or emergency medical responders for display on
33 a device used by police, fire, or emergency medical responders for
34 the purpose of handling or responding to emergency calls or for
35 training;

36 (c) Maintenance of the database by a county;

37 (d) Dissemination of information by a county to local agency
38 personnel for inclusion in an emergency notification system that

1 makes outgoing calls to telephone numbers to provide notification of
2 a community emergency event;

3 (e) Inspection or copying by the subject of the information or an
4 authorized representative; or

5 (f) The public disclosure of information prepared, retained,
6 disseminated, transmitted, or recorded, for the purpose of handling
7 or responding to emergency calls, unless disclosure of any such
8 information is otherwise exempted under chapter 42.56 RCW or other
9 law.

10 NEW SECTION. **Sec. 6.** A new section is added to chapter 38.52
11 RCW to read as follows:

12 Information obtained from an automatic number identification or
13 automatic location identification database or voluntarily submitted
14 to a local agency for inclusion in an emergency notification system
15 is confidential and exempt from public inspection and copying under
16 chapter 42.56 RCW. This section shall not be interpreted to prohibit:

17 (1) Making outgoing calls to telephone numbers to provide
18 notification of a community emergency event;

19 (2) Maintenance of the database by a local agency; or

20 (3) Inspection or copying by the subject of the information or an
21 authorized representative."

22 Correct the title.

EFFECT: (1) Clarifies that personal information in a 911 database
that is exempted from disclosure does not also exempt any information
that is used as part of a 911 response;

(2) Clarifies that only voluntarily submitted information in 911
emergency communications systems is exempt from public disclosure;

(3) Removes intent language preceding the sections on the
nondisclosure of 911 information.

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