State Government Committee

HB 1980

Brief Description: Implementing recommendations of the sunshine committee.

Sponsors: Representative Springer.

Brief Summary of Bill

- Exempts from disclosure personal financial information, as defined for purposes of identity crimes, including social security numbers.

- Makes the types of information exempted for child victims of sexual assault nonexclusive.

- Includes local or regionally maintained gang databases exempt from disclosure within the law enforcement records.

- Limits the personal information of participants in ride-share programs that is subject to disclosure.

- Allows disclosure of state background checks for a guardian ad litem appointed in a child welfare case.

- Eliminates the disclosure exemption for examination reports obtained by the Pollution Liability Insurance Program.

Hearing Date: 2/18/15

Staff: Sean Flynn (786-7124).

Background:

Public Disclosure - Exemptions.

The Public Records Act (PRA) requires state and local agencies to make their written records available to the public for inspection and copying upon request, unless the information fits into

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one of the various specific exemptions in the PRA, or otherwise provided in law. The stated policy of the PRA favors disclosure and requires narrow application of the listed exemptions.

Financial information. An exemption exists for records containing certain kinds of personal information, including financial account information. This exemption includes credit, debit, and check numbers, and other bank or financial account numbers.

Law enforcement, investigation, and crime victims. Certain investigative, law enforcement, and crime victim information is exempt from disclosure, including information revealing the identity of children under the age of 18 who are victims of sexual assault. Such information includes the victim's name, address, location, photograph, and the relationship with the relative who is the perpetrator. Another exemption includes information in a statewide gang database maintained by the Washington State Patrol.

Transportation. Certain information in records regarding transportation are exempt from disclosure. Such information includes individually identifying information in records related to a ride-sharing program, such as a vanpool or carpool. However, names, addresses, telephone numbers, and other identifying information may be given to persons who apply for ride-sharing services in order to identify potential riders.

Personal information related to transit passes or fare payment, such as payment cards, are exempt from disclosure. However, an agency may disclose such information to an employer or other party responsible for paying the transit costs for the purpose of preventing fraud. An agency also may provide such personal information to the news media when reporting on transportation or public safety.

Guardian Ad Litem - Background Information. A court may appoint a guardian ad litem (GAL) to assist a child who is the subject of a child welfare case. If available, the court will make an appointment from a GAL program.

Each GAL program must maintain background information records for each GAL in the program. The background information must include education, experience, and training related to GAL services. The records also must contain the GAL's criminal history as well as the results of state and national criminal identification data, including background checks allowed through the state Criminal Records Privacy Act, the State Patrol criminal identification system, and the Federal Bureau of Investigation (FBI). Upon appointment to a child welfare case, the GAL must provide a copy of his or her background information record to the parties and their attorneys, except that the results of the criminal background check may not be disclosed.

Pollution Liability Insurance Program. Public disclosure is not allowed for examination and proprietary reports and information obtained through the Washington Pollution Liability Insurance Program (PLIP) related to soliciting bids from insurers and in monitoring the insurer. Examination reports prepared by or for the PLIP may be provided to the state insurance commissioner and other specified organizations.

Summary of Bill:

Public Disclosure - Exemptions.

Personal financial information. Financial information, as defined for purposes of identity crimes, is exempt from disclosure. Such information includes information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit. Specifically, this includes:
- account numbers, balances, and transactional information;
- codes, passwords, social security numbers, tax identification numbers;
- driver's license, Identicard, or permit numbers; and
- other information held for the purpose of account access or transaction initiation.

Law enforcement, investigation, and crime victims. The types of information exempted for child victims of sexual assault is no longer exclusive. Local or regionally maintained gang databases are exempt from disclosure.

Transportation. The personal information of participants in a ride-share program is not subject to disclosure, except for the participant's name, general location, and email address.

Guardian Ad Litem - Background Information. A GAL appointed in a child welfare case must provide to parties and attorneys his or her background information record containing the results of the State Patrol criminal identification system. The criminal history from the FBI may not be disclosed.

Pollution Liability Insurance Program - examination and proprietary reports. Examination reports obtained by the PLIP are no longer exempt from disclosure.

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.