

# HOUSE BILL REPORT

## HB 2133

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### As Reported by House Committee On: State Government

**Title:** An act relating to exempting the addresses of certain child care providers from the public records act.

**Brief Description:** Exempting the addresses of certain child care providers from the public records act.

**Sponsors:** Representative S. Hunt.

#### **Brief History:**

##### **Committee Activity:**

State Government: 2/18/15, 2/19/15 [DPS].

#### **Brief Summary of Substitute Bill**

- Exempts from public disclosure the addresses of child care facilities and the home address of child care providers who are exempt from licensing.

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### HOUSE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Appleton and Gregory.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Hawkins.

**Staff:** Sean Flynn (786-7124).

#### **Background:**

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 one of the various specific exemptions. The stated policy of the PRA favors disclosure and requires narrow application of the listed exemptions.

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*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.*

An exemption is provided for records maintained by the Department of Early Learning regarding the personal information of children enrolled in licensed child care. An exemption also applies to children enrolled in public or nonprofit youth program, such as early learning or child care services, parks and recreation programs, youth development programs, and after-school programs. These exemptions do not prohibit an agency from providing emergency contact information to appropriate authorities or medical personnel for treatment purposes in an emergency situation.

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**Summary of Substitute Bill:**

The personal information related to child care enrollees that is exempt from disclosure includes:

- the street address of a licensed family day care providers's home; and
- the home address of a child care provider who is exempt from licensing by the Department of Early Learning.

A licensed family day care provider is an in-home child care provider that can serve up to 12 children in the provider's home.

**Substitute Bill Compared to Original Bill:**

The substitute bill limits the exemption for the address of child care facilities to the address of a licensed day care provider's home.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute 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) Disclosing addresses of child care facilities threatens children and caregivers who are victims of abuse, especially for in-home providers. This threat has a disproportionate impact on communities of color and low-income families, because these groups use in-home child care services more than center based facilities.

In-home child care providers need privacy protections because of the populations they serve and because many of them provide services in their own home. Protecting the home addresses of these providers will not undermine the intent of the PRA because of its narrow scope. Many of the providers who are exempt from licensing provide services at the child's home, so disclosure would reveal the child's address as well.

(Opposed) There is no case reported of a child being harmed by the release of information that would be protected under this bill. It would not protect children because there are many public facilities where children gather. Furthermore, many child care providers publically advertise their services. In another way, this bill does not go far enough to protect providers from disclosure to private entities because labor unions already gather the information of these providers. This would also prevent providers from communicating with each other.

(Other) This needs to be applied fairly to prohibit disclosure to labor unions requesting names of providers for purposes of organization labor.

**Persons Testifying:** (In support) Jennifer Jennings-Shaffer, Children's Alliance; Lani Todd, Service Employees International Union Local 925; and Justin Montermini, Department of Early Learning.

(Opposed) Max Nelsen, Freedom Foundation.

(Other) Rowland Thompson, Allied Daily Newspapers of Washington.

**Persons Signed In To Testify But Not Testifying:** None.