

# SENATE BILL REPORT

## ESHB 2604

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As Reported by Senate Committee On:  
Government Operations & Security, February 25, 2016

**Title:** An act relating to disclosure of financial, commercial, and proprietary criminal background check information of employees of private employers.

**Brief Description:** Concerning disclosure of financial, commercial, and proprietary information of employees of private cloud service providers.

**Sponsors:** House Committee on State Government (originally sponsored by Representatives Kuderer, Goodman, Johnson, Wilcox, Morris, Hudgins, MacEwen and Wilson).

**Brief History:** Passed House: 2/15/16, 97-0.

**Committee Activity:** Government Operations & Security: 2/25/16, 2/25/16 [DP, DNP].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

**Majority Report:** Do pass.

Signed by Senators Roach, Chair; Pearson, Vice Chair; Habib, McCoy and Takko.

**Minority Report:** Do not pass.

Signed by Senator Dansel.

**Staff:** Samuel Brown (786-7470)

**Background:** The Public Records Act (PRA). The PRA, enacted in 1972 as part of Initiative 276, requires that all state and local governments make all public records available for public inspection and copying unless certain statutory exemptions apply. The provisions requiring disclosure of public records are interpreted liberally, while the exemptions from disclosure are narrowly construed, to effectuate a policy favoring disclosure.

The PRA contains a variety of exemptions from disclosure for financial, commercial, and proprietary information. One exemption is for proprietary data, trade secrets, and other information relating to unique methods of doing business, unique data about a vendor's product or services, or methods used by vendors for determining the prices or rates charged to the Department of Social and Health Services relating to state-purchased health care.

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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.*

Background Checks. Public records law also exempts two types of background check information from public disclosure. Information in applications for concealed pistol licenses, which include use of the National Instant Criminal Background Check system, may only be disclosed to law enforcement officials. The results of criminal background checks conducted on guardians ad litem, including background checks allowed through the state Criminal Records Privacy Act, the State Patrol criminal identification system, and the Federal Bureau of Investigation, may not be disclosed.

Criminal Justice Information Systems (CJIS) Agreements. The CJIS division of the Federal Bureau of Investigation (FBI) serves as the focal point and central repository for criminal justice information systems in the FBI. A variety of functions have been consolidated under CJIS, including the National Crime Information Center, the National Instant Criminal Background Check System, and the Law Enforcement Enterprise Portal, which provides data to law enforcement and criminal justice entities.

**Summary of Bill:** Specific court case file numbers contained in criminal background checks and personally identifiable information associated with requests for criminal background checks of employees of private cloud service providers who have entered into a CJIS agreement are exempt from PRA disclosure requirements.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This information could be obtained by all sorts of malicious actors looking to hack into our data systems and steal important information. Court case numbers could provide a back door into accessing other personally identifiable information.

**Persons Testifying:** PRO: Representative Kuderer, Prime Sponsor.

**Persons Signed In To Testify But Not Testifying:** PRO: Ryan Harkins, Microsoft.

**OTHER:** Rowland Thompson, Allied Daily Newspapers of Washington.