

HOUSE BILL REPORT

HB 1317

As Reported by House Committee On:
State Government, Elections & Information Technology

Title: An act relating to the public disclosure of global positioning system data corresponding to residential addresses of public employees and volunteers.

Brief Description: Concerning the public disclosure of global positioning system data corresponding to residential addresses of public employees and volunteers.

Sponsors: Representatives McBride, Nealey, Ormsby, Muri, Goodman, Stanford, Tarleton, Senn, Appleton, Kilduff and Jinkins; by request of Department of Enterprise Services.

Brief History:

Committee Activity:

State Government, Elections & Information Technology: 1/31/17, 2/17/17 [DPS].

Brief Summary of Substitute Bill

- Exempts global positioning data from public disclosure to the extent it indicates the residence of the public employee or volunteer using the global positioning system device.

HOUSE COMMITTEE ON STATE GOVERNMENT, ELECTIONS & INFORMATION TECHNOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Hudgins, Chair; Dolan, Vice Chair; Koster, Ranking Minority Member; Appleton, Gregerson, Irwin and Pellicciotti.

Minority Report: Do not pass. Signed by 1 member: Representative Volz, Assistant Ranking Minority Member.

Minority Report: Without recommendation. Signed by 1 member: Representative Kraft.

Staff: Sean Flynn (786-7124).

Background:

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.

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

Public Employee Records. There are several exemptions related to the personal information for public workers. One category exempts private information of public employees, appointees, and elected officials to the extent that disclosure would be highly offensive to a reasonable person and is not of legitimate public concern.

Another exemption category protects certain personal information in public employee personnel records from disclosure. Such information includes, residential and email addresses, telephone numbers, social security and driver's license numbers, and emergency contact information.

Other exemptions protect the personal information of certain groups of public workers and other individuals. For example, global positioning system (GPS) data is exempt from disclosure to the extent it could reveal the residence of a criminal justice agency employee.

Summary of Substitute Bill:

Global positioning system data from a device used by a public employee or volunteer is exempt from disclosure to the extent it would indicate the residence of the public employee or volunteer.

Substitute Bill Compared to Original Bill:

The exemption applies to information on the GPS device used by the employee or volunteer.

Appropriation: None.

Fiscal Note: Available.

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) New technology is collecting increasingly more private information of individuals and the PRA needs to keep pace to protect privacy interests. Current law exempts residential address information of public employees in personnel files, but does not exempt such information when included in GPS related data. An exemption was created in 2015 to

protect residential information of criminal justice employees captured on a GPS device. That exemption should be extended to protect the residences of all employees and volunteers.

(Opposed) None.

(Other) This exception should be targeted to only exempt the personal information for the employees who are using the GPS devices, not all GPS information held throughout state government. Sometimes employees use public vehicles for private purposes, which the public should continue to track. Redacting GPS data can be complicated and local governments collect a tremendous amount of information that could possibly be included in the broad application of this bill.

Persons Testifying: (In support) Representative McBride, prime sponsor; Harold Goldes, Department of Enterprise Services; and Pat Thompson, Washington State Council of City and County Employees.

(Other) Rowland Thompson, Allied Newspapers of Washington; Candace Bock, Association of Washington Cities; and Jennifer Ziegler, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying: None.