
**State Government, Elections &
Information Technology Committee**

HB 2778

Brief Description: Protecting personal information regarding sexual harassment claims.

Sponsors: Representatives Jinkins, Stambaugh, Fitzgibbon, Gregerson, Caldier, Kilduff, Tharinger, Hansen, Orwall, Wylie, Stonier, Bergquist, Clibborn, Dolan, McBride, Kraft, Macri, Senn, Reeves, Haler, Riccelli, Valdez, Sawyer, Tarleton, Frame, Doglio, Fey, Robinson, Pollet, Kloba, Stanford and Santos.

Brief Summary of Bill

- Expands the public records exemptions to include personal information of an agency employee who makes a sexual harassment claim and requests that their information not be disclosed.
- Subjects a person to civil liability who requests and obtains the personal information of an agency employee who makes a sexual harassment claim if the requestor uses the information to harass, stalk, threaten, or intimidate the employee.

Hearing Date: 1/30/18

Staff: Desiree Omli (786-7105).

Background:

The Public Records Act (PRA) requires that all state and local government agencies make all public records available for public inspection and copying unless the record falls within an enumerated statutory exemption. The provisions requiring public records disclosure must be interpreted liberally and the exemptions narrowly in order to effectuate a general policy favoring disclosure.

Certain employment and licensing information contained in the files of an agency is exempt from public inspection and copying under the PRA. Examples include:

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- examination data such as test questions or scoring keys,
- applications for public employment,
- residential addresses, personal phone numbers or email addresses, Social Security numbers (SSNs), driver's license or identification card numbers, and emergency contacts of the employee or volunteers, and
- information relating to an active investigation of a possible unfair practice claim.

Certain personal information is exempt under the public records act, such as:

- personal information in files maintained for employees, appointees, or elected officials to any public agency to the extent that the disclosure would violate their right to privacy. A person's right to privacy is violated if disclosure of information about the person: (1) would be highly offensive to the reasonable person, and (2) is not of legitimate concern to the public;
- certain information required of any taxpayer in connection with the assessment or collection of any tax;
- credit card or debit card number, electronic check number, card expiration date, bank or other financial information including SSN, with exceptions;
- any record used to prove identity, age, residential address, SSN, or other personal information required to apply for a driver's license or identicard; and
- any record pertaining to a vehicle license plate, driver's license or identicard that may alone or in combination with any other record, reveal the identity of an individual.

Summary of Bill:

The PRA exemptions for employment and licensing information is expanded to include the personal information of an agency employee who made a sexual harassment claim with the employing agency and has requested that his or her personal information not be disclosed without his or her consent. The agency must notify the employee that he or she may request that their personal information not be disclosed.

A person who requests and obtains the personal information of an agency employee who made a claim of sexual harassment and uses the information to harass, stalk, threaten, or intimidate the agency employee is subject to civil liability. The aggrieved party may sue such a person in superior court, or the Attorney General or prosecuting attorney may bring an action against the person. The court may order an appropriate civil remedy, and the plaintiff may recover up to \$1,000 for each record used to harass, stalk, threaten, or intimidate, in addition to reasonable attorney fees.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.