

FINAL BILL REPORT

SSB 5207

C 38 L 17
Synopsis as Enacted

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

Sponsors: Senate Committee on State Government (originally sponsored by Senators Kuderer, Miloscia, Frockt, Zeiger, Hobbs, Keiser, Chase and Hunt; by request of Department of Enterprise Services).

Senate Committee on State Government

House Committee on State Government, Elections & Information Technology

Background: The Public Records Act (PRA), enacted in 1972 as part of Initiative 276, requires that all state and local government agencies make all public records available for public inspection and copying unless certain statutory exemptions apply.

Over 500 specific references in the PRA or other statutes remove certain information from application of the PRA, provide exceptions to the public disclosure and copying of certain information, or designate certain information as confidential. The provisions requiring public records disclosure must be interpreted liberally while the exemptions are interpreted narrowly to effectuate the general policy favoring disclosure.

Personal information in files maintained for employees, appointees, or elected officials of any public agency is exempt from public inspection and copying to the extent that disclosure would violate the employee's right to privacy. A court must find two elements to determine that a person's right to privacy is invaded: (1) the disclosure would be highly offensive to a reasonable person; and (2) the disclosure is not of legitimate concern to the public. Numerous court decisions have held that certain information in files maintained for public employees is of legitimate public concern and therefore not exempt from disclosure under the PRA.

Various types of employment and licensing information are exempt from public disclosure requirements, including the following:

- examination data used to administer a license, employment, or academic examination;
- applications for public employment, including names of applicants, resumes, and other related materials submitted with respect to the applicant; and

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- the residential addresses, phone numbers, email addresses, social security numbers, and emergency contact information of public agency employees or volunteers.

In 2015, legislation was signed into law exempting Global Positioning System (GPS) data that would indicate the location of the residence of a criminal justice agency employee from public disclosure requirements.

Summary: GPS data that would indicate the location of the residence of any public employee or volunteer using the GPS recording device is exempt from public disclosure requirements.

Votes on Final Passage:

Senate	46	0
House	83	14

Effective: July 23, 2017