

FINAL BILL REPORT

ESB 5761

C 71 L 17
Synopsis as Enacted

Brief Description: Exempting certain confidential fish and shellfish harvest information from disclosure under chapter 42.56 RCW, the public records act.

Sponsors: Senators McCoy, Hunt and Hasegawa.

Senate Committee on Natural Resources & Parks

House Committee on State Government, Elections & Information Technology

Background: The Department of Fish and Wildlife (DFW) manages fish and shellfish in state waters and offshore waters. This includes collecting fish and shellfish harvest information. Salmon fisheries within Puget Sound and the Strait of Juan de Fuca are jointly managed by DFW and the Puget Sound treaty tribes.

The Puget Sound Salmon Management Plan of 1985 (Plan), as adopted by the court in *United States v. Washington*, states that fish-related data is the property of the party providing it, and disclosing this information to the state does not infringe on the tribe's right to confidentiality of that data. The information released pursuant to this Plan may only be released for fisheries management planning. However, if the tribe is notified, the state may release tribal fish data if compelled by a legal process.

The Public Records Act (PRA) mandates disclosure of public records unless the record is specifically exempted. Public records include any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

Under the PRA, certain information collected by DFW is exempt from public disclosure. For example, the personally identifiable information of recreational and commercial licensees is exempt from disclosure. However, DFW may release this information when it is needed by government agencies to manage fish and wildlife, enforce child support orders, suspend drivers' licenses, and enforce firearm possession violations. DFW disclosure exemptions also include sensitive fish data and some commercial fish catch records.

Summary: Certain fish and shellfish harvest information is exempt from public disclosure under the PRA. Specifically, a tribal fisher's name, signature, harvest value, and tax information is exempt.

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.

Additionally, a commercial shellfish farmer's name, signature, harvest value, and tax information is exempt from public disclosure. All of this information must still be provided to DFW.

Votes on Final Passage:

Senate	45	0
House	96	0

Effective: July 23, 2017