

SENATE BILL REPORT

HB 1328

As Reported by Senate Committee On:
State Government & Elections, March 24, 2021

Title: An act relating to exempting information gathered for controlling diseases from public inspecting requirements.

Brief Description: Exempting information gathered for controlling diseases from public inspecting requirements.

Sponsors: Representatives Pollet and Ryu; by request of Department of Health.

Brief History: Passed House: 3/8/21, 81-17.

Committee Activity: State Government & Elections: 3/19/21, 3/24/21 [DP, DNP].

Brief Summary of Bill

- Exempts personal information which may reveal the identity of an individual submitted to or obtained by an agency for the purpose of investigating, controlling, preventing, or protecting the public from any disease or condition threatening public health from public disclosure requirements.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: Do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Minority Report: Do not pass.

Signed by Senator Wilson, J., Ranking Member.

Staff: Samuel Brown (786-7470)

Background: The Public Records Act. The Public Records Act (PRA), enacted in 1972 as

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

part of Initiative 276, requires all state and local government agencies to 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.

Contact Tracing. Case investigation and contact tracing are strategies used by the Department of Health and local health departments to reduce the spread of communicable diseases such as COVID-19. Case investigation is the identification and investigation of patients with confirmed and probable diagnoses of a disease. Contact tracing is the subsequent identification, monitoring, and support of those contacts who have been exposed to, and possibly infected with a disease.

Uniform Health Care Information Act. The state Uniform Health Care Information Act (UHCIA) governs the disclosure of health care information by health care providers and their agents or employees. Under the UHCIA, a health care provider may not disclose information that can readily be associated with a patient's identity directly relating to the patient's health diagnosis, treatment, or care, unless there is a statutory exception or a written authorization by the patient.

Summary of Bill: Exemption. Information that, alone or in combination with any other information, may reveal the identity of an individual which was submitted to or obtained by an agency in order to investigate, control, prevent, or protect the public from any disease or condition threatening public health is exempt from public disclosure requirements.

Exempt Information Defined. Types of personal information exempt from public disclosure requirements under the act include an individual's name, birth month, day, or year; birth place; telephone number; street or mailing address or location information; email address or other contact information; place of employment; photograph; and information about an individual's physical characteristics.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: This is intended to ensure the privacy of case investigation and contact tracing data, core tools for public health and identifying communicable diseases within our community. While personal health information is

exempt under current law, we want to ensure that the public has trust and absolute confidence that personal information is exempt during cast and contact investigations to encourage participation.

Persons Testifying: PRO: Cynthia Harry, Washington State Department of Health.

Persons Signed In To Testify But Not Testifying: No one.