

HOUSE BILL REPORT

HB 1221

As Passed House:

February 28, 2023

Title: An act relating to the privacy of lottery players.

Brief Description: Concerning the privacy of lottery players.

Sponsors: Representatives Stearns, Kloba, Ramel, Goodman and Morgan; by request of Lottery Commission.

Brief History:

Committee Activity:

State Government & Tribal Relations: 1/18/23, 1/27/23 [DP].

Floor Activity:

Passed House: 2/28/23, 97-0.

Brief Summary of Bill

- Exempts from disclosure, under the Public Records Act, a lottery player's personal and financial information held by Washington's Lottery or its contracted lottery vendors, except for a player's name and city or town of residence, and any other additional information pursuant to the player's written permission.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass. Signed by 6 members: Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson and Mena.

Staff: Andrew Hatt (786-7296) and Desiree Omli (786-7105).

Background:

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.

Disclosure of Public Records.

The Public Records Act (PRA) requires state and local agencies to make all public records available for public inspection and copying unless a record falls within an exemption in the PRA or another statute that exempts or prohibits disclosure of specific information or records. Exemptions under the PRA are permissive, meaning that an agency, although not required to disclose, has the discretion to provide an exempt record. The exemptions under the PRA are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. The PRA is liberally construed, and its exemptions narrowly construed.

Certain specific personal and financial information is expressly exempt under the PRA. For example, except when disclosure is expressly required by law, the following information is exempt from disclosure under the PRA:

- credit card numbers;
- debit card numbers;
- electronic check numbers; and
- card expiration dates.

Additional exempt bank or financial information includes:

- account numbers and balances;
- transactional information concerning an account;
- codes;
- passwords;
- social security numbers;
- tax identification numbers;
- driver's license or permit numbers;
- state identification card numbers issued by the Department of Licensing; and
- other information held for the purpose of account access or transaction initiation.

In addition, to the extent required to prevent an unreasonable invasion of personal privacy, an agency must delete identifying details when it makes a public record available. A person's right to privacy is violated only if disclosure would be highly offensive to a reasonable person and is not of legitimate concern to the public.

Washington's Lottery.

Lottery products are administered by Washington's Lottery (Lottery), a public agency established in 1982 to generate revenues for state programs through the sale of lottery products. A five-member Lottery Commission, made up of regional members appointed by the Governor, serves as the administrative rulemaking authority for the Lottery.

Through the administration of lottery products, the Lottery and its contracted vendors receive a variety of information on players, such as residential address, email address, phone number, and date of birth. The Lottery follows Washington's state record retention schedules regarding the maintenance of player data; most winner information is retained for

six years after the transaction or final payment.

Summary of Bill:

Personal and financial information concerning a player that is received or maintained by Washington's Lottery, or any contracted lottery vendor, is exempt from public disclosure under the PRA, except for a player's name and city or town of residence. Additional information may be disclosed with the player's prior written permission.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Washington's Lottery (Lottery) has a legislative mandate to produce maximum revenue for the state. Revenue from the Lottery goes towards funding various state programs, including education programs. This bill would help to protect the personal and financial information of lottery players, which can be the target of scammers. A failure to comply with the PRA can result in big costs for the Lottery, so due to the narrow interpretation of PRA exemptions, the organization often makes large releases of information to meet PRA disclosure requests. Currently there are PRA exemptions that exist to cover some information received by the Lottery, but they are subject to legal interpretation. This bill would add clarity and eliminate legal uncertainty, and not change any current practices of the Lottery.

(Opposed) None.

Persons Testifying: Representative Chris Stearns, prime sponsor; and Kristi Weeks, Washington's Lottery.

Persons Signed In To Testify But Not Testifying: None.