

HOUSE BILL REPORT

ESSB 5098

As Passed House - Amended:
April 6, 2011

Title: An act relating to exempting personal information from public inspection and copying.

Brief Description: Exempting personal information from public inspection and copying.

Sponsors: Senate Committee on Government Operations, Tribal Relations & Elections
(originally sponsored by Senators Carrell and Chase).

Brief History:

Committee Activity:

State Government & Tribal Affairs: 3/14/11, 3/24/11 [DPA].

Floor Activity:

Passed House - Amended: 4/6/11, 92-0.

Brief Summary of Engrossed Substitute Bill
(As Amended by House)

- Exempts from disclosure under the Public Records Act specified personal information regarding children, adolescents, and students who participate in public or nonprofit programs that serve or pertain to children, adolescents, or students.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass as amended. Signed by 8 members: Representatives Hunt, Chair; Appleton, Vice Chair; Alexander, Darneille, Dunshee, Hurst, McCoy and Miloscia.

Minority Report: Do not pass. Signed by 3 members: Representatives Taylor, Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Condotta.

Staff: Thamas Osborn (786-7129).

Background:

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.

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

Summary of Amended Bill:

Specified personal information regarding children, adolescents, and students who participate in public or nonprofit programs that serve or pertain to such minors is exempt from disclosure under the PRA. These public or nonprofit programs include, but are not limited to, early learning or childcare services, parks and recreation programs, youth development programs, and after-school programs. The personal information subject to the exemption includes:

- addresses;
- telephone numbers;
- personal electronic mail addresses;
- social security numbers;
- date of birth information; and
- emergency contact information.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) This bill addresses the problem of PRA requests that seek personal information regarding minors who participate in public or nonprofit programs for children, adolescents, or students. This issue gained attention as the result of an estranged parent involved in a child custody dispute who was able to locate the address of the child by filing a PRA request for the records of a city's summer program for children. The city was compelled to disclose the address of the child because such information is not exempt from disclosure under the PRA. This bill is essential in order to ensure both the privacy and safety of children and minors who are participating in public or nonprofit programs pertaining to children. Public parks and recreation departments, as well as cities, strongly support this bill.

(In support with amendment) Existing PRA exemptions already apply to the situations covered by this bill. However, this bill could be worthy of support if it was made more specific and included definitions that would serve to narrow its application.

(Opposed) The language of the bill is extremely broad and poorly defined, which will make it difficult for public agencies and the courts to determine what it means. Accordingly, this bill needs additional work and should not be passed as is.

Persons Testifying: (In support) Senator Carrell, prime sponsor; Rick Rosenblatt, City of Fircrest; and Doug Levy, Washington Recreation and Parks Association.

(In support with amendment) Rowland Thompson, Allied Daily Newspapers.

(Opposed) Toby Nixon, Washington Coalition for Open Government.

Persons Signed In To Testify But Not Testifying: None.