

FINAL BILL REPORT

SB 6141

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Synopsis as Enacted

Brief Description: Concerning the confidentiality of certain records filed with the utilities and transportation commission or the attorney general.

Sponsors: Senators Roach, Hasegawa, Fain, Hobbs, Hatfield, Honeyford and Tom.

Senate Committee on Governmental Operations
House Committee on Government Operations & Elections

Background: Public Records Act (PRA). The 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. Under the PRA, a public record includes 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. The provisions requiring public records disclosure must be interpreted liberally while the exemptions are interpreted narrowly to effectuate the general policy favoring disclosure.

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 Utilities and Transportation Commission (UTC). The UTC is composed of three commissioners, appointed by the Governor, who serve six-year terms of office. The UTC regulates the state's transportation system as well as the rates, services, facilities, and practices of public utilities in the state, including solid waste collection companies.

Public records filed with the UTC or Attorney General by public utilities that contain valuable commercial information such as trade secrets; confidential marketing, cost, or financial information; or customer-specific usage and network configuration information are not subject to public disclosure under the PRA until notice is given to the person or persons directly affected by the information. Additionally, the person or persons directly affected by the information may request a superior court order protecting the records as confidential, thus exempting them from public disclosure, within ten days of receiving notice.

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.

A court must determine that disclosure would result in private loss, including an unfair competitive disadvantage, before issuing an order exempting records filed with the UTC or Attorney General from public disclosure.

Accounting by Solid Waste Collection Companies. Solid waste collection companies must file annual statements with the UTC showing gross operating revenues from operations within Washington State over the previous calendar year, and pay the UTC a fee of 1 percent of gross operating revenue.

Summary: Records filed by solid waste collection companies with the UTC or Attorney General that contain valuable commercial information such as trade secrets; confidential marketing, cost, or financial information; or customer-specific usage and network configuration information are not subject to public disclosure until notice is given to the person or persons directly affected by the information. The person or persons directly affected by the information must request a superior court order protecting the records as confidential within ten days of receiving notice to exempt the records from public disclosure.

A court must determine that disclosure would result in private loss, including an unfair competitive disadvantage, before issuing an order exempting records filed with the UTC or Attorney General by a solid waste collection company from public disclosure.

Votes on Final Passage:

Senate	45	3	
House	96	2	(House amended)
Senate	49	0	(Senate concurred)

Effective: June 12, 2014