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SENATE BILL 6141

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State of Washington                      63rd Legislature                      2014 Regular Session

By Senators Roach, Hasegawa, Fain, Hobbs, Hatfield, Honeyford, and Tom  
Read first time 01/16/14. Referred to Committee on Governmental Operations.

1            AN ACT Relating to confidentiality of certain records filed with  
2 the utilities and transportation commission or the attorney general;  
3 amending RCW 42.56.330; and adding a new section to chapter 81.77 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 81.77 RCW  
6 to read as follows:

7            Records, subject to chapter 42.56 RCW, filed with the commission or  
8 the attorney general from any person that contain valuable commercial  
9 information, including trade secrets or confidential marketing, cost,  
10 or financial information, or customer-specific usage information, are  
11 not subject to inspection or copying under chapter 42.56 RCW: (1)  
12 Until notice to the person or persons directly affected has been given;  
13 and (2) if, within ten days of the notice, the person has obtained a  
14 superior court order protecting the records as confidential. The court  
15 must determine that the records are confidential and not subject to  
16 inspection and copying if disclosure would result in private loss,  
17 including an unfair competitive disadvantage. When providing  
18 information to the commission or the attorney general, a person shall  
19 designate which records or portions of records contain valuable

1 commercial information. Nothing in this section prevents the use of  
2 protective orders by the commission governing disclosure of proprietary  
3 or confidential information in contested proceedings.

4 **Sec. 2.** RCW 42.56.330 and 2012 c 68 s 4 are each amended to read  
5 as follows:

6 The following information relating to public utilities and  
7 transportation is exempt from disclosure under this chapter:

8 (1) Records filed with the utilities and transportation commission  
9 or attorney general under RCW 80.04.095 or section 1 of this act that  
10 a court has determined are confidential under RCW 80.04.095 or section  
11 1 of this act;

12 (2) The residential addresses and residential telephone numbers of  
13 the customers of a public utility contained in the records or lists  
14 held by the public utility of which they are customers, except that  
15 this information may be released to the division of child support or  
16 the agency or firm providing child support enforcement for another  
17 state under Title IV-D of the federal social security act, for the  
18 establishment, enforcement, or modification of a support order;

19 (3) The names, residential addresses, residential telephone  
20 numbers, and other individually identifiable records held by an agency  
21 in relation to a vanpool, carpool, or other ride-sharing program or  
22 service; however, these records may be disclosed to other persons who  
23 apply for ride-matching services and who need that information in order  
24 to identify potential riders or drivers with whom to share rides;

25 (4) The personally identifying information of current or former  
26 participants or applicants in a paratransit or other transit service  
27 operated for the benefit of persons with disabilities or elderly  
28 persons;

29 (5) The personally identifying information of persons who acquire  
30 and use transit passes or other fare payment media including, but not  
31 limited to, stored value smart cards and magnetic strip cards, except  
32 that an agency may disclose personally identifying information to a  
33 person, employer, educational institution, or other entity that is  
34 responsible, in whole or in part, for payment of the cost of acquiring  
35 or using a transit pass or other fare payment media for the purpose of  
36 preventing fraud, or to the news media when reporting on public  
37 transportation or public safety. As used in this subsection,

1 "personally identifying information" includes acquisition or use  
2 information pertaining to a specific, individual transit pass or fare  
3 payment media.

4 (a) Information regarding the acquisition or use of transit passes  
5 or fare payment media may be disclosed in aggregate form if the data  
6 does not contain any personally identifying information.

7 (b) Personally identifying information may be released to law  
8 enforcement agencies if the request is accompanied by a court order;

9 (6) Any information obtained by governmental agencies that is  
10 collected by the use of a motor carrier intelligent transportation  
11 system or any comparable information equipment attached to a truck,  
12 tractor, or trailer; however, the information may be given to other  
13 governmental agencies or the owners of the truck, tractor, or trailer  
14 from which the information is obtained. As used in this subsection,  
15 "motor carrier" has the same definition as provided in RCW 81.80.010;

16 (7) The personally identifying information of persons who acquire  
17 and use transponders or other technology to facilitate payment of  
18 tolls. This information may be disclosed in aggregate form as long as  
19 the data does not contain any personally identifying information. For  
20 these purposes aggregate data may include the census tract of the  
21 account holder as long as any individual personally identifying  
22 information is not released. Personally identifying information may be  
23 released to law enforcement agencies only for toll enforcement  
24 purposes. Personally identifying information may be released to law  
25 enforcement agencies for other purposes only if the request is  
26 accompanied by a court order; and

27 (8) The personally identifying information of persons who acquire  
28 and use a driver's license or identicard that includes a radio  
29 frequency identification chip or similar technology to facilitate  
30 border crossing. This information may be disclosed in aggregate form  
31 as long as the data does not contain any personally identifying  
32 information. Personally identifying information may be released to law  
33 enforcement agencies only for United States customs and border  
34 protection enforcement purposes. Personally identifying information  
35 may be released to law enforcement agencies for other purposes only if  
36 the request is accompanied by a court order.

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