

HOUSE BILL REPORT

HB 2447

As Reported by House Committee On:
State Government & Tribal Affairs

Title: An act relating to prohibiting the public disclosure of public employee photographs.

Brief Description: Prohibiting the public disclosure of public employee photographs.

Sponsors: Representatives Appleton, Armstrong, Liias, Hunt, Hasegawa, Miloscia, Chase, Green and Ormsby.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 1/14/10, 1/28/10 [DPS].

Brief Summary of Substitute Bill

- Prohibits employment identification portrait photographs of employees and portrait photographs held by an agency in personnel records and public employment related documents from being released under the Public Records Act.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander, Flannigan, Hurst, Miloscia and Taylor.

Staff: Tracey O'Brien (786-7196).

Background:

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.

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 PRA exempts employment and licensing information from public inspection and copying under the PRA. For employees and volunteers of public agencies, this includes: residential addresses; residential telephone numbers; personal wireless numbers; personal e-mail addresses; Social Security numbers; and emergency contact information. The exemption also covers dependents of public agency employees and volunteers. The exempt information for dependents include: name; date of birth; residential addresses; residential telephone numbers; personal wireless numbers; personal e-mail addresses; Social Security numbers; and emergency contact information. To be covered by this exemption, the records must be held by any public agency in personnel records, public employment related documents, volunteer rosters, or any mailing list. However, it is not necessary that the information come from the employee's personnel file. The focus is on whether the information is normally maintained for the employee's benefit and whether the disclosure would violate the employee's right to privacy. In addition, the exemption does not restrict all records containing the information from release under the PRA. If the information can be redacted, then the document must be released redacted.

Summary of Substitute Bill:

The PRA is amended to prohibit the release of employment identification portrait photographs of an employee held by an agency in personnel records and public employment related documents. In addition, the portrait photographs of dependents of employees are exempt from release.

Substitute Bill Compared to Original Bill:

The substitute bill clarifies that employment identification portrait photographs of employees and volunteers, and portrait photographs of dependents are exempt from the PRA.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute 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 will decrease the victimization and safety concerns of our state employees. Many employees are subject to stress, anguish, and turmoil when someone, often a criminal offender, makes a PRA request for a photo. The request itself can be victimizing and often forces the employee to use his or her own money to fight the request in court. Although this often impacts employees in law enforcement, the requests for photographs also impact those employees who interact with the public.

(Opposed) Although we are sympathetic to the concerns, this is not the bill to accomplish this. A large number of photos could be exempted from release such as photos of an alleged incident of excessive use of force. This could expand to photos on websites or in communications. In addition, there is a huge difference between the concerns of law enforcement officers and other public employees.

Persons Testifying: (In support) Representative Appleton, prime sponsor; Scott Blonien, Department of Corrections; Tom Johnson, Washington Federation of State Employees; and Anna Jancewicz, Teamsters Local #117.

(Opposed) Rowland Thompson, Allied Daily Newspapers of Washington; and Bill Will, Washington Newspaper Publishers Association.

Persons Signed In To Testify But Not Testifying: None.