

HOUSE BILL REPORT

HB 1203

As Passed Legislature

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

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

Sponsors: Representatives Farrell, Lytton, Kagi, Freeman, Walsh, Ryu, Reykdal, Morrell, Jinkins, Bergquist and Ormsby; by request of Department of Early Learning.

Brief History:

Committee Activity:

Government Operations & Elections: 1/23/13, 2/5/13 [DP].

Floor Activity:

Passed House: 2/18/13, 96-0.

Passed Senate: 4/16/13, 46-0.

Passed Legislature.

Brief Summary of Bill

- Removes specified personal information from the list of exempted material in certain files.
- Exempts personal information contained in child care and early learning records from public disclosure.

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass. Signed by 11 members: Representatives Hunt, Chair; Bergquist, Vice Chair; Buys, Ranking Minority Member; Taylor, Assistant Ranking Minority Member; Alexander, Carlyle, Fitzgibbon, Kristiansen, Manweller, Orwall and Van De Wege.

Staff: Marsha Reilly (786-7135).

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 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.

Prior to July 1, 2006, the Department of Early Learning (DEL) existed within the Department of Social and Health Services (DSHS) as the Division of Child Care and Early Learning. At that time, personal information (i.e. welfare or medical status) contained in child care and early learning records had been protected under the DSHS statutes regarding confidential records. When the DEL became an independent agency, the confidentiality protections afforded to individuals whose personal information is documented in child care and early learning records under the DSHS statutes became obsolete.

Summary of Bill:

The list of specified personal information not disclosable (addresses, telephone numbers, personal electronic mail addresses, social security numbers, emergency contact, and date of birth information) contained in files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients is removed. A new exemption for personal information contained in any file maintained by the DEL for a child enrolled in licensed child care is added. The term "participant" is replaced with "child enrolled" pertaining to exempted personal information for those taking part in a public or nonprofit program serving or pertaining to children, adolescents, or students.

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) This bill is an attempt to finish what was started with Senate Bill 5098. It allowed the DEL to redact names and identifying information from their records regarding children involved with public and nonprofit early learning programs. This bill also addresses private, for-profit child care programs and would allow the same protection to children in those programs. It was suggested to strike the language regarding the specific list of personal information redacted.

(Opposed) None.

Persons Testifying: Representative Farrell, prime sponsor; Amy Blondin, Department of Early Learning; and Rowland Thompson, Allied Daily Newspapers of Washington.

Persons Signed In To Testify But Not Testifying: None.