

HOUSE BILL REPORT

SHB 1298

As Passed House:
February 13, 2014

Title: An act relating to implementing recommendations of the sunshine committee.

Brief Description: Implementing the recommendations of the sunshine committee.

Sponsors: House Committee on Government Operations & Elections (originally sponsored by Representatives Springer, S. Hunt, Ryu and Pollet; by request of Public Records Exemptions Accountability Committee).

Brief History:

Committee Activity:

Government Operations & Elections: 2/5/13, 2/14/13 [DPS], 2/5/14 [DP].

Floor Activity:

Passed House: 3/4/13, 97-0.

Floor Activity:

Passed House: 2/13/14, 96-0.

Brief Summary of Substitute Bill

- Clarifies what information resulting from background checks of a guardian ad litem may and may not be disclosed to the parties in a parent-child termination action.
- Makes changes to exemptions from public inspection and copying related to personal information contained in agency files, and examination reports obtained by the Washington Pollution Liability Insurance Program.
- Changes the exemption from disclosure relating to the identifying information of child victims of sexual assault to be inclusive.
- Adds an exemption from disclosure for information contained in a local or regionally maintained gang database.

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass. Signed by 11 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Taylor, Ranking Minority Member; Young, Assistant Ranking

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.

Minority Member; Carlyle, Christian, Kretz, Manweller, Orwall, Robinson and Van De Wege.

Staff: Marsha Reilly (786-7135).

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.

Guardian Ad Litem.

Under any proceeding related to terminating a parent-child relationship, the courts must appoint a guardian ad litem (GAL) for any child. A GAL is an individual appointed by the court to represent the best interests of a child or incapacitated person involved in a case in superior court. Persons wishing to be a GAL must apply to the GAL program in each county. Counties must maintain information for each GAL in the program, which is updated annually, including, but not limited to:

- level of formal education;
- general training related to the GAL's duties;
- specific training related to issues potentially faced by children in the dependency system;
- specific training or education related to child disability or developmental issues;
- number of years' experience as a GAL;
- number of appointments as a GAL and the county or counties of appointment;
- the names of any counties in which the person was removed from a GAL registry pursuant to a grievance action, and the name of the court and the number of any case in which the court has removed the person for cause;
- founded allegations of abuse or neglect;
- results of a background check through the Washington State Criminal Records Privacy Act, the Washington State Patrol criminal identification system, and the Federal Bureau of Investigation; and
- criminal history for the period covering 10 years prior to the appointment.

The background information must be provided to the parties or their attorneys involved in the action. The portion of the background information record containing the results of the criminal background check and the criminal history may not be disclosed to the parties or their attorneys, and may not include background information that includes identifying information that may be used to harm the GAL.

Personal Information.

Certain personal information contained in the files of an agency is exempt from public inspection and copying under the PRA:

- credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law;

- applications for public employment, including the names of applicants, resumes, and other related materials;
- the names, residential addresses, residential telephone numbers, and other individually identifiable records relating to a vanpool, carpool, or other ride-sharing program or service, except to other persons who apply for ride-matching services and need the information for purposes of ride-sharing; and
- personally identifying information of persons who acquire and use transit passes or other fare payment media, except to entities responsible for payment of the cost of acquiring or using a transit pass or other fare payment media for the purpose of preventing fraud or to the news media when reporting on public transportation or public safety.

Proprietary Information.

All examination and proprietary reports and information obtained by the Washington Pollution Liability Insurance Program related to soliciting bids from insurers and in monitoring the insurer are not disclosable.

Investigative and Law Enforcement Information.

Certain information relating to investigative, law enforcement, and crime victims is exempt from public inspection and copying, including:

- information revealing the identity of child victims of sexual assault. Identifying information is stated as the child victim's name, address, location, photograph, and, in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator; and
- information contained in the statewide gang database.

Summary of Substitute Bill:

Guardian Ad Litem.

The background information that may and may not be disclosed to the parties or their attorneys in an action is clarified. The results of the background check conducted through the Washington State Patrol criminal identification system may be provided. The results of the criminal background check and the criminal history from the Federal Bureau of Investigation may not be disclosed.

Personal Information.

The exemption pertaining to personal information contained in the files of an agency are expanded and clarified. Financial information is exempted from disclosure and includes information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit, including account numbers and balances, transactional information concerning an account, and codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identicaid numbers issued by the Department of Licensing, and other information held for the purpose of account access or transaction initiation.

The disclosure of information allowed in a ride-sharing program to individuals who apply for ride sharing is limited to the participants' names, general locations, and electronic mail addresses.

Personally identifying information of persons who acquire and use transit passes or other fare payment media is no longer disclosable to the news media.

Proprietary Information.

Examination reports obtained by the Washington Pollution Liability Insurance Program are no longer exempt from disclosure.

Investigative and Law Enforcement Information.

The identifying information of child victims of sexual assault exempt from disclosure is changed from exclusive to the child victim's name, address, location, and photograph, to inclusive. Information contained in a local or regionally maintained gang database is exempt from disclosure.

Appropriation: None.

Fiscal Note: Available from 2013.

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) None.

(Opposed) None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.