

# HOUSE BILL REPORT

## ESSB 6517

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### As Passed House - Amended:

March 6, 2014

**Title:** An act relating to exempting agency employee driver's license numbers and identicard numbers from public inspection and copying.

**Brief Description:** Exempting agency employee driver's license numbers and identicard numbers from public inspection and copying.

**Sponsors:** Senate Committee on Governmental Operations (originally sponsored by Senators Roach, Chase, Fraser and Rivers).

### Brief History:

#### Committee Activity:

Government Operations & Elections: 2/26/14 [DP].

#### Floor Activity:

Passed House - Amended: 3/6/14, 91-6.

### Brief Summary of Engrossed Substitute Bill (As Amended by House)

- Exempts public agency employee and volunteer driver's license and identicard numbers from public inspection and copying.

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## HOUSE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** Do pass. Signed by 9 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Young, Assistant Ranking Minority Member; Carlyle, Christian, Manweller, Orwall, Robinson and Van De Wege.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Taylor, Ranking Minority Member; Kretz.

**Staff:** Amanda Ondrick (786-7296) and Jasmine Vasavada (786-7301).

### Background:

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*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 (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.

Certain employment and licensing information contained in the files of an agency is exempt from public inspection and copying under the PRA, including the following:

- examination data used to administer a license, employment, or academic examination;
- applications for public employment including names of applicants, resumes, and other related materials submitted with respect to the applicant; and
- the residential addresses, phone numbers, email addresses, Social Security numbers (SSN), and emergency contact information of employees or volunteers of a public agency.

**Summary of Bill:**

Driver's license and identicard numbers of employees or volunteers held by a public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers are exempt from public inspection and copying.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**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 arose out of a records request from an inmate in Thurston County jail for personal information of state employees. Unfortunately, the court declined to issue an injunction. The Olympia Police Department has said there is fraud that can be perpetrated with a driver's license number (DLN). In California, there are many concerns about DLNs being released and if someone loses their driver's license, there is a process the person needs to go through due to identity fraud concerns. On the internet, there is a search engine where someone can put in a DLN and figure out someone's date of birth. Privacy is a real concern for state employees, and the Sunshine Committee has sent letters of support for this bill.

Years ago, a Senator's paycheck would arrive by mail and the SSN was printed on the check. If the paycheck was stolen out of the mailbox, someone would have the SSN. A Senator called and requested the SSN be removed from paycheck stubs and because of this request, all SSNs of state employees have been removed from paychecks. An expectation of privacy is important. Washington state employees should have their DLN and identicard numbers exempt from public disclosure. This bill is a good thing and state employees should have the privacy they deserve.

Transparency and public disclosure in government is a good thing. However, of utmost concern is state and public employees' safety. A few years ago, a state employee was murdered on the job doing an audit of a small businessman. Of course, this did not happen because of disclosure of information but it does raise concerns. Whenever personal information is disclosed about public employees, it could eventually lead to someone getting the home address of a state employee. Some of these employees, such as law enforcement and driver's license office employees, interact with the public every day. Public employees and their families are entitled to some protection.

(Neutral) There was opposition to the original bill because it exempted employee identification numbers (EIN) from public disclosure. A DLN is already readily available and a DLN is not needed as much as the EIN. This bill does not deal with the DLNs that are taken at citations, listed on arrest warrants, or a part of other court files in court cases. This bill only deals with identicard and DLNs in an employee file, which is something reporters do not need as much as EIN.

(Opposed) This bill is a solution looking for a problem and it does not address any substantive problem. A DLN cannot be used for anything other than verification of identification. Someone cannot get into bank accounts and other accounts with a DLN. There is a fallacy in likening DLNs to SSNs. Unfortunately, SSNs have been used as a sort of PIN number throughout our lives and they are defacto proof of identity in many situations. There are situations when it is necessary to use DLNs as verification of identification. There was a case in which a vice officer was comparing hookers from one area to another area and in the process, the officer was arrested in a sting operation. The DLN was necessary to compare this record to other criminal records, which are part of the case file, to get a match or eliminate people with like-sounding names. There is no harm in having DLNs be public.

**Persons Testifying:** (In support) Senator Roach, prime sponsor; Anita Hunter, Washington Federation of State Employees; and Vince Oliveri, Professional and Technical Employees Local 17.

(Neutral) Rowland Thompson, Allied Daily Newspapers of Washington.

(Opposed) David Koenig.

**Persons Signed In To Testify But Not Testifying:** None.