

HOUSE OF REPRESENTATIVES  
Olympia Washington

Bil Analysis

Bil No. HB 2754

Distribution of governmental lists and information  
Brief title

Hrg Date: 2/3/98

Reps. Dyer and Wolfe  
Sponsor

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**BACKGROUND:**

1. Open public records generally.

The open public records law requires that all public records of state agencies and local governments be open for public inspection and copying unless expressly excluded. Among other express exclusions, the following public records are not available for inspection and copying by the public: (1) Personal information files the disclosure of which would violate the right to privacy; (2) certain taxpayer information; (3) certain financial and commercial information supplied by individuals applying for various programs; and (4) valuable formulae or designs.

Unless specifically authorized, the open public records law does not authorize the use of lists of individuals for commercial purposes. The term commercial purposes is not defined.

2. State tax information.

State tax returns and information are confidential and privileged. However, the Department of Revenue is expressly authorized to disclose certain tax information, including (1) sharing such information with law enforcement agencies and other governmental agencies; and (2) taxpayer names, addresses and other information not associated with tax information if this information is not used for commercial purposes. The term commercial purposes is not defined.

3. Motor vehicle registration information.

The Department of Licenses may provide lists of the owners of registered vehicles for various purposes, including the provision of information to motor vehicle dealers and businesses making loans for the purchase of motor vehicles.

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4. Public electronic records with personally identifiable information.

State and local governments that collect and enter personally identifiable information into electronic records are required to establish procedures for individuals to review this information and recommend changes they feel are not accurate.

**SUMMARY:**

Changes are made to the disclosure and use of personally identifiable information in public records.

1. State agencies in general.

State agencies may furnish lists of public information to public agencies and to private data base companies providing on-line computer data base services with data consisting primarily of public records. Prior to providing these lists to private data base companies, the state agency must obtain written agreement and assurance that the database company will only supply this information to governmental agencies or to private businesses that are not engaged in commercial solicitation. Commercial solicitation is defined as soliciting persons or businesses identified in public records for pecuniary benefit.

2. Department of Licensing.

The Department of Licensing is given express authority to provide lists of public information to private database companies under the restrictions described above. A private database company may not provide these lists to anyone else except for purposes authorized by law.

3. Department of Revenue.

The Department of Revenue is given express authority to provide lists of taxpayer names and addresses and certain non-tax information to private database companies under the restrictions described above.

4. Notice of public information disclosure.

State agencies and local governments that collect information subject to disclosure must, to the extent practicable, post public notice that the information may be disclosed as part of a public record. When requested, state and local governments must provide written statements detailing the potential disclosure of public records and the common business uses of these public records.

Each state agency and local government is required to maintain a list of agreements with other governments and business entities for the release and disclosure of public records information.

**FISCAL NOTE:** Not requested.

**EFFECTIVE DATE:** Ninety days after adjournment of session in which bill passed.