

HOUSE BILL REPORT

SSB 5064

As Reported By House Committee On:

State Government

Title: An act relating to confidentiality of certain public transportation information.

Brief Description: Protecting certain public transportation information.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Haugen, Horn, Gardner, Benton, Long, Costa, B. Sheldon, Swecker, Patterson, Jacobsen, Shin, Oke, Morton, Eide, Spanel, Johnson, Goings, Sellar, Fraser, Thibaudeau, Franklin, Winsley, Rasmussen and McAuliffe).

Brief History:

Committee Activity:

State Government: 3/26/99, 4/2/99 [DPA].

Brief Summary of Substitute Bill (As Amended by House Committee)

- Exempts certain personally identifiable information held by public transit authorities from public disclosure.
- Precludes public transportation authorities and private entities operating under the public-private transportation initiatives program from collecting information about the movement of passengers other than for billing purposes.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass as amended. Signed by 7 members: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh and D. Schmidt.

Minority Report: Without recommendation. Signed by 1 member: Representative Lambert.

Staff: Steve Lundin (786-7127).

Background:

The Open Public Records law was approved by state voters in 1972 as part of Initiative Measure No. 276. All public records of state agencies and local governments are open to public inspection and copying, unless a law expressly excludes the public records from public inspection and copying. This disclosure requirement is liberally construed and any exception is narrowly constructed.

Among others, the following public records are exempt from inspection and copying: (1) Personal information in files the disclosure of which would violate the right to privacy; (2) certain financial and commercial information supplied by individuals applying for various programs; and (3) names, residential addresses, residential phone numbers and other individually identifiable information for vanpool, carpool, and other ride-share programs.

Summary of Amended Bill:

Personally identifiable information on the following persons is exempt from public disclosure:

- Current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons who are elderly, disabled, or otherwise eligible for such services; and
- Persons who acquire and use transit passes and other fare payment media, including smart cards.

However, an agency may disclose personally identifiable information from transit passes or other fare payment media to a person or employer responsible for paying all or part of the costs of the pass, the news media when reporting stories on public transportation or public safety, and government agencies or groups concerned with public transportation or public safety.

Transportation authorities, and private entities operating under the public-private transportation initiatives program, may not use personally identifiable information obtained from electronic toll payments to track or monitor individual use of the public transportation facilities or service, except for billing purposes and to provide statistical compilations and reports that do not identify an individual.

Amended Bill Compared to Substitute Bill: Authority was added allowing the release of personally identifiable information to the news media and groups concerned with public transportation or public safety. The restriction was added precluding

personally identifiable information from being used to track or monitor use of public transportation facilities or services.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (With amendment) This language has been worked out with the interested parties. This allows meaningful reporting to be done. This provides assurances that personally identifiable information obtained from the use of these systems is private.

Testimony Against: (Concerns) I have concerns that law enforcement may be able to track peoples' movements with this information.

Testified: (In support with amendment) Ron Main, RTA Sound Transit; and Rowland Thompson, Allied Daily Newspapers.

(Concerns) Janeane Dubuar, Computer Professionals for Social Responsibility.