

# HOUSE BILL REPORT

## ESHB 1996

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### As Passed Legislature

**Title:** An act relating to exemptions from public inspection of data obtained by the department of fish and wildlife.

**Brief Description:** Protecting certain data obtained by the department of fish and wildlife.

**Sponsors:** By House Committee on State Government (originally sponsored by Representatives Lambert and Haigh; by request of Department of Fish and Wildlife).

### Brief History:

#### Committee Activity:

State Government: 2/19/01, 2/26/01 [DPS].

#### Floor Activity:

Passed House: 3/13/01, 93-0.

Senate Amended.

Passed Senate: 4/10-01, 46-0.

House Concurred.

Passed House: 4/16/01, 94-0.

Passed Legislature.

### Brief Summary of Engrossed Substitute Bill

- Exempts from public inspection and copying commercial fishing catch data, sensitive wildlife data, and some personal information from commercial and recreational fishing and hunting licenses.

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### HOUSE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh, Lambert, McDermott and D. Schmidt.

**Staff:** Catherine Blinn (786-7114).

### Background:

The Public Disclosure Act (PDA) requires agencies to make available for public inspection and copying all public records, unless the record falls within a specific exemption. The PDA is liberally construed, and its exemptions narrowly construed, to promote a public policy of keeping the public informed and allowing the public to maintain control of state agencies. The exemptions are specific and generally focus on personal privacy, personal safety, or vital governmental interests. The list of exemptions includes:

- 1) Personal information on public school students, patients of public institutions or health agencies, welfare recipients, applicants for public employment, public utility customers, ride-sharing program participants, paratransit program participants, and public transit customers;
- 2) Records, maps, or other information identifying the location of archaeological sites to avoid the looting or depredation of such sites;
- 3) Business related information obtained during certification of organic food products;
- 4) Financial, commercial, and technical research information submitted to the clean Washington center; and
- 5) Financial information supplied for an application for a liquor, gambling, or lottery sale license.

Records that are exempt from public inspection and copying may still be released to other agencies responsible for relevant issues, to other persons or groups necessary for the success of the program, to child support enforcement agencies in order to comply with federal law, or at the discretion of the agency.

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### **Summary of Bill:**

Commercial fishing catch data that identifies specific location, timing, or methodology is exempt from public inspection and copying if release of the data would result in an unfair competitive disadvantage to the commercial fisher that provided the data. However, this information may be released to government agencies concerned with fish and wildlife resource management.

Sensitive wildlife data obtained by the Department of Fish and Wildlife is exempt from public inspection and copying. This includes: (a) nesting sites or specific locations of endangered, threatened, or sensitive species; (b) location data generated by tagging studies; or (c) other location data that could compromise the viability of a fish or wildlife population that has a known commercial or black market value, has a history of malicious take, or has a behavior or ecology that renders it especially vulnerable. This information, however, may be released to government agencies concerned with fish and wildlife resource management.

Personally identifying information from commercial and recreational fishing and hunting

licenses is exempt from public disclosure, with the exception of the name and contact address of the licensee, and the type of license, endorsement, or tag. Personally identifying information may be released to government agencies concerned with fish and wildlife resource management, to child support enforcement agencies, and to law enforcement agencies concerned with enforcing firearm regulations.

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**Appropriation:** None.

**Fiscal Note:** Not Requested.

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

**Testimony For:** (In support, original bill) Commercial logbook data is very specific. Disclosure of commercial fishing data will put those fishermen at a financial disadvantage. The exemption for wildlife data for sensitive or endangered species is intended to protect those species from hunters. Collecting data on endangered species is futile if the information, and therefore species, cannot be protected. The public has an expectation of privacy with regard to personal information on recreational fishing and hunting licenses.

(With concerns, original bill) Exempting all personal information on recreational fishing and hunting licensees will pose an obstacle for those fishermen and hunters who want to communicate with each other from doing so. Communication is desirable for tourism, and to determine successful fishing and hunting locations. They will be unable to contact each other and therefore unable to exchange relevant fishing and hunting information. Harassment of hunters by anti-hunting activists should be handled as a criminal matter.

**Testimony Against:** None.

**Testified:** (In support, original bill) Representative Lambert, prime sponsor; Representative Haigh; and Josh Weiss, Department of Fish and Wildlife.

(With concerns, original bill) Rowland Thompson, Allied Daily Newspapers.