

State Government Committee

ESB 5058

Brief Description: *Protecting records of strategy discussions.*

Sponsors: *By Senators Gardner, Hale, Haugen, Horn, Costa, Patterson, Kline and McCaslin.*

Brief Summary of Engrossed Bill

- *Exempts information relating to collective bargaining, professional negotiations, and grievance or mediation proceedings from public inspection and copying.*
- *Subjects certain investigatory information held by law enforcement agencies to public inspection and copying.*

Hearing Date:

Staff: *Jim Morishima (786-7191).*

Background:

The Public Disclosure Act requires that all state agencies make all public records available for public inspection and copying unless they fall within certain statutory exceptions. The provisions requiring public records disclosure must be interpreted liberally and the exceptions narrowly in order to effectuate a general policy favoring disclosure.

Examples of statutory exceptions to the public records disclosure law include: a) personal information in agency files, the disclosure of which would violate an individual's right to privacy; b) records not available through pre-trial discovery that are relevant to a controversy to which an agency is a party; and c) specific intelligence information and investigative records compiled by law enforcement agencies the non-disclosure of which is essential to effective law enforcement or to protect any person's right to privacy. The Washington Supreme Court has interpreted this last exception to mean that all open active police investigation files in their entirety are exempt from public inspection and copying.

Summary of Bill:

Records that would reveal the strategy or position of an agency during collective bargaining, professional negotiations, or grievance or mediation proceedings are exempt from public inspection and copying.

Basic arrest information in a police incident report is subject to public inspection and copying after a suspect has been arrested and the case has been referred to the prosecuting attorney. The remainder of the investigative file is subject to public inspection and copying after conviction, acquittal, dismissal of charges, or declination to file. A law enforcement agency may obtain an injunction to prevent the release of any of the aforementioned information.

Rulemaking Authority: No express authority.

Appropriation: None.

Fiscal Note: Not Requested.

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