

SENATE BILL REPORT

SB 6257

As Reported By Senate Committee On:
Judiciary, February 4, 2004

Title: An act relating to protection of personal and identifying information.

Brief Description: Addressing the protection of personal and identifying information.

Sponsors: Senators Brandland, Kline, McCaslin, Roach, Winsley, Regala, Rasmussen, Shin and Oke.

Brief History:

Committee Activity: Judiciary: 1/30/04, 2/4/04 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6257 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Kline, Roach and Thibaudeau.

Staff: Lidia Mori (786-7755)

Background: Legislation was passed in Washington in 2002 that would have enjoined the publication of personal information concerning law enforcement-related or court-related employees or volunteers if it is done with the intent to harm or intimidate. If the publication occurs without the written permission of the employee or volunteer, the person or organization that distributed or otherwise released the information must disclose the full legal name, address, and telephone number of the person or organization releasing the information. This legislation was found to be unconstitutional.

There is ongoing concern that release of personal and identifying information to the general public, especially with respect to employees of the criminal justice and judicial systems, may subject an employee and that person's family to an increased danger of physical harm, identity theft, or harassment.

Summary of Substitute Bill: The statute pertaining to records that are exempt from public disclosure includes personal cellular telephone numbers, Social Security numbers, and personal electronic mail addresses of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, volunteer rosters, or contained in any mailing list of employees or volunteers of any public agency.

A task force on the protection of personal information is created. The task force must study accessibility of personal and identifying information on local and state agency web sites, identify risks created by the accessibility, review the policies on placing public records on the internet, and identify methods to reduce the risks while complying with the policy on public

accessibility to information. The task force must report to the Legislature by December 1, 2004.

Substitute Bill Compared to Original Bill: The original bill allowed an employee of the criminal justice or court system to request that personal and identifying information contained in accessible official public records be redacted. The agency was directed to redact such information after receipt of the request. The substitute bill removes this provision. The substitute bill creates a task force on the protection of personal information. It must identify and review various issues related to the risks created by accessibility of personal and identifying information in public records and report to the Legislature by December 1, 2004.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Testimony For: Employees of the criminal justice system are more in danger of identity theft than average people because so much personal information is accessible to the general public.

Testimony Against: This bill will create holes in property ownership in the sense of being able to trace property ownership. It will also cause problems with voter rolls. If any law enforcement officer or court employee can go to any agency and have his or her personal information redacted from public records, that person would be removed from the credit community.

Testified: Larry Erickson, WA Assn. of Sheriffs and Police Chiefs (pro); Roland Thompson, Allied Daily Newspapers (con); Kim Wyman, WA State Assn. of County Auditors (with concerns).