

HOUSE BILL REPORT

HB 1489

As Passed Legislature

Title: An act relating to the right of privacy.

Brief Description: Adding limited new services to the current common carrier exceptions to the privacy act.

Sponsor(s): Representatives H. Myers, May, Grant, Miller, Ebersole, Ballard, Belcher, Casada, Leonard, Hine, Bray, Appelwick, Hochstatter, R. Meyers, Morris, Cooper, Rayburn, Schmidt, Broback, Neher, Wynne, Betrozoff and Winsley.

Brief History:

Reported by House Committee on:
Energy & Utilities, February 22, 1991, DP;
Passed House, March 13, 1991, 74-24;
Passed Legislature, 74-24.

**HOUSE COMMITTEE ON
ENERGY & UTILITIES**

Majority Report: *Do pass.* Signed by 7 members:
Representatives Grant, Chair; H. Myers, Vice Chair; May, Ranking Minority Member; Hochstatter, Assistant Ranking Minority Member; Casada; Cooper; and Rayburn.

Minority Report: *Do not pass.* Signed by 3 members:
Representatives Bray; R. Fisher; and Jacobsen.

Staff: Harry Reinert (786-7110).

Background: A new telecommunications technology standard has been established by the telecommunications industry that, when implemented, will allow information about the calling party to be included as part of a telephone call. With the appropriate equipment on the receiving end, this standard will allow the name and number of the calling party to be displayed as the telephone rings. This calling party identification feature is sometimes referred to as Caller ID or Automatic Number Identification (ANI). The same standard also includes other related but separate services such as automatic call back, call trace, and call rejection.

The Utilities and Transportation Commission (UTC) initiated a Notice of Inquiry on issues related to ANI in October 1989. The UTC inquiry started as a look at the costs,

technical feasibility, uses, and privacy issues related to ANI. After receiving numerous written comments and conducting several public hearings in the summer of 1990, the commission staff recommended that the commission reject proposals for ANI or Caller ID. The commission rejected the staff's recommendation and instead proposed to consider any ANI or Caller ID proposals on a case-by-case basis. The commission recommended that telecommunications companies wishing to offer ANI or Caller ID propose a trial of the service to test methods to address privacy concerns raised in the commission proceeding.

Washington State's Privacy Act generally prohibits the interception of private communications by telephone, telegraph, radio, or private conversations without the consent of all parties to the conversation. There are a number of exceptions to this general rule, including an exception for emergency calls to law enforcement, fire departments, and emergency response personnel.

The Privacy Act also contains a provision exempting a telecommunications company from the prohibitions of the Privacy Act for activities of the company while providing services in connection with the construction, maintenance, repair, and operations of the company's services, facilities, or equipment.

Some Washington court decisions interpreting the Privacy Act may mean that ANI or Caller ID could not be offered in this State without violating the Privacy Act.

Summary of Bill: The Washington Privacy Act is amended to exclude from the act's restrictions automatic number, caller, or location identification services that have been approved by the Utilities and Transportation Commission.

Fiscal Note: Not requested.

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

Testimony For: Caller ID will protect the privacy of people in their homes by allowing them to see who is calling and whether they want to answer the call. It will also allow persons who receive harassing or obscene calls to know who is calling and provide that information to law enforcement authorities and the courts. There is no reason why a caller should be allowed to invade the privacy of the home without identifying himself or herself.

Testimony Against: Caller ID will endanger those who are subject to threats of violence by giving away their

telephone numbers and locations. Domestic violence shelters may be more easily found and the residents put into danger. There are other services which will be more effective in protecting against harassing or obscene calls than Caller ID. The primary benefit from the service will be to commercial concerns who will collect the information for telemarketing purposes.

Witnesses: Rep. Clyde Ballard (pro); Dale Vincent, U.S. West (pro); Deborah Senn, N.W. Women's Law Center and Coalition Against Domestic Violence (con); Arliss Stewart, Seattle YMCA (pro); Dawn Larson, Washington Coalition of Domestic Violence Programs (con); Art Butler, TRACER (pro); Gerald Sheehan, ACLU (con); Thomas Dixon, Tacoma Urban League (pro); Lesa Barnes, citizen (con); Bob Bratton, GTE-NW (pro); Mary Pontarolo, Washington Coalition Against Domestic Violence (con); Vernadel McGuire (pro); Jack Doyle, Pacific Telecom (pro); Sharon Nelson, Bud Pardini, and Richard Casad, Utilities and Transportation Commission (no position); John Stone (pro); and Michael Gross, Columbia Club (pro).