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## Judiciary Committee

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### HB 2558

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

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

**Sponsors:** Representatives Lovick, Carrell, O'Brien, Darneille, Kagi, Miloscia and Rockefeller.

#### Brief Summary of Bill

- Allows an employee of the criminal justice or court system to request a local or state agency to redact personal and identifying information in accessible official public records;
- Exempts from public disclosure the cell phone numbers, social security numbers, and personal e-mail addresses of employees or volunteers of a public agency which are held in any public agency's personnel records, employment related records, volunteer rosters, or mailing lists.

**Hearing Date:** 1/30/04

**Staff:** Trudes Tango Hutcheson (786-7384).

#### Background:

The Public Disclosure Act (PDA) requires state and local agencies to make available for public inspection and copying all public records, unless the information 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. The current exemptions are specific and focus generally on issues of personal privacy, personal safety, or vital governmental interests.

Some of the exemptions in the PDA include: (a) personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy; and (b) residential addresses and residential phone numbers of employees or volunteers of a public agency that are held by any public agency in personnel records, public employment related records, volunteer rosters, or mailing lists of employees or volunteers.

Under the PDA, a person's right to privacy is only violated if: (a) disclosure of the requested information would be considered highly offensive to a reasonable person; and (b) the information is not of legitimate concern to the public. This privacy provision does not create an additional

"privacy" exemption, but simply clarifies the extent of those exemptions that include a privacy provision.

Under the laws governing the preservation and destruction of public records, "official public records" is defined to include: (a) all original vouchers, receipts, and other documents necessary to isolate and prove the validity of every transaction relating to the receipt, use, and disposition of all public property and public income from all sources; (b) all agreements and contracts in which the state or agency may be a party; (c) all fidelity, surety, and performance bonds; (d) all claims filed against the state or agency; (e) all records or documents required by law to be filed with or kept by any state agency; (f) all legislative records; and (g) all other documents or records determined by the records committee to be official public records.

### **Summary of Bill:**

An employee's or volunteer's personal cell phone number, social security number, and personal e-mail address that are held by any public agency in personnel records, employment related records, volunteer rosters, or employee or volunteer mailing lists are exempt from public disclosure.

In addition, an employee of the criminal justice or court system may request a local or state official or agency to redact personal and identifying information contained in accessible official public records.

"Employee of the criminal justice or court system" means any person, other than an elected official, who is employed or volunteers for a local, state, or federal law enforcement agency, jail or corrections agency, prosecutor's office, or court.

Personal and identifying information means:

- residential addresses;
- residential phone numbers;
- personal cell phone numbers;
- social security numbers;
- personal e-mail addresses;
- personal credit and debit card numbers;
- electronic check numbers;
- card expiration dates;
- other personal bank or other financial account numbers; and
- photographs.

"Accessible official public records" are public records that the general public can access electronically, on the internet, on the agency's website, in person, or by mail, without filing a public disclosure request.

When the agency receives the request, the agency must redact the personal and identifying information contained in the agency's accessible public records. The agency retains the original non-redacted version. If the record containing the redacted information is on the agency's website, the agency has the option of removing the electronic version of the record from the internet and website.

The agency may charge the person requesting the redaction up to .25 cents per page or \$5.00 per document, whichever is greater. The local legislative authority may change those fees, but the fees cannot exceed the actual cost of performing the service.

A request regarding one record does not impose an ongoing obligation to redact personal and identifying information from records filed or maintained by the agency after the date of the request.

The county auditor is not liable for complying with the request to redact personal and identifying information under the act. An agency is also immune from liability for: (a) complying with the request; and (b) making errors in attempting to comply if the agency made a good faith effort to comply.

**Appropriation:** None.

**Fiscal Note:** Requested on January 21, 2004.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed (except section 3 of the act, which expires June 30, 2005 and section 4 of the act, which takes effect June 30, 2005).