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## State Government & Tribal Relations Committee

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### HB 1964

**Brief Description:** Concerning persons requesting disclosure of lists of individuals under the public records act.

**Sponsors:** Representatives Fosse, Farivar, Parshley, Kloba, Gregerson, Ramel, Ormsby, Scott and Hill.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Requires a person requesting disclosure of a list of individuals under the Public Records Act to attest that the request is not for commercial purposes and provide the purpose of the request.</li></ul>
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**Hearing Date:** 2/18/25

**Staff:** Connor Schiff (786-7093).

**Background:**

The Public Records Act (PRA), enacted in 1972 as part of Initiative 276, requires that all state and local governmental entities make all public records available to the public unless a specific exemption applies or disclosure is prohibited.

In general, a person making a public records request is not required to provide a reason for the request. However, if a person is requesting a list of individuals, an agency may ask if the request is for commercial purposes. The PRA prohibits agencies from giving, selling, or providing access to lists of individuals requested for commercial purposes. "Commercial purpose" includes any business activity by any form of business enterprise intended to generate profits, revenue, or financial benefit. Washington courts have determined that agencies have an

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obligation to avoid disclosing lists of individuals for commercial purposes and may require a persons requesting a list of individuals to sign a declaration: 1) describing the purpose of the request; and 2) stating that he or she will not use the records for commercial purposes. The courts have further found that, depending on the nature of the request, merely requiring the requestor to affirm that the request is not made for commercial purposes may not be sufficient and that the agency may have an obligation to investigate further. Whether an agency is required to investigate further is determined on a case-by-case basis.

Several agencies provide forms for persons requesting lists of individuals to describe the purpose of the request and affirm that the requested information will not be used for commercial purposes, including the Office of the Insurance Commissioner, the Department of Revenue, and the Office of the Superintendent of Public Instruction. The Office of the Attorney General has developed a Commercial Purpose Declaration template.

**Summary of Bill:**

A person requesting disclosure of a list of individuals under the Public Records Act must sign a Declaration of Noncommercial Purpose under penalty of perjury. The person must attest that the request for the list of individuals is not for commercial purposes and provide the purpose of the request. The Office of the Attorney General is directed to provide a template declaration for agencies.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.