

Kitsap Sun

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State senators can stop the secrecy campaign underway with HB 1533



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If you're wondering how a public employee takes home nearly \$270,000 for getting fired from his job, you've got a seat right next to me on this bus. And if you're also wondering how a little more than a year after that deal, the employee gets hired by a school district a few hours away, as in the situation we reported this week about a new North Kitsap administrator, we may run out of seats...

I bring this up because I really don't understand these kinds of high-priced second chances, and I worry what that decision does to the district's credibility. But I also mention Mike Merlino's hiring in a much broader sense, because the issue overall can help underscore a particular bad piece of legislation now pending in the state Senate.

House Bill 1533 is the latest idea to chip away at our state's Public Records Act, this time undermining open government with a provision that allows state employees and public school employees to essentially erase their names, job titles and other information from publicly available records. It passed out of the House on a 80-15 vote last Monday.

The legislation is framed as a tool to help shield victims of harassment or domestic violence, by redacting information that could be helpful in locating a person, like a place of employment. I admit that can happen, and we've dealt with that specific instance here a handful of times when public employees, specifically teachers, contacted us after seeing their name, age, salary and school in a database the Sun built from public records and published. The existing law does provide a way for individuals to petition to be removed for their own protection, with a certain threshold of evidence required to support the request, and we've always complied with those requests. The difference now would be a provision to self-attest to the harassment, for any reason, to make an employee's records disappear from public view.

Why does that matter? Attorney Michelle Earl-Hubbard, who's represented the Sun in public records cases, called it "a boon for bad actors wanting to hide," in a quote reported by Brier Dudley at the Seattle Times in his recent column on this bill. I'm not making any attempt to include the new NKSD admin in that description, but just imagine if employees credibly accused or convicted of misconduct couldn't be clearly identified and they were, let's say, your child's teacher?

That example is specifically something the Sun's research with this employee database has helped with in the past. In at least two incidences that I can remember, an adult was arrested on an accusation of a sexual crime involving a minor, and we were able to cross-reference the individual's name and age to confirm that they were an employee of a local school. Our schools and law enforcement generally do a good job of being transparent with the community in such cases, I want to be clear about that, but giving away the ability to check such records simply flies in the face of what we should expect as Washington taxpayers. And Dudley, in his column, pointed something out that I've often told teachers who've complained to me about the data we hosted: the personal information in question — generally a name, age, educational attainment, salary and workplace — is often found elsewhere online, a byproduct of how our digital society rushed toward information sharing.

To give a bit more credit where it's due, Dudley also pointed out that no evidence has been presented of anyone being victimized because of information obtained solely from public records. I'll add my two cents, which is that nearly every time I've been questioned about the database we published, it's because the employee — who's paid by the taxpayer — didn't like their salary being known. An in another irony, it's state unions pushing for these changes, despite the fact that local teacher unions have called me to say they've combed our database of public employees to research pay figures and use that information in bargaining.

I've always felt that our Senate delegation supports local journalism, at least that's my sense from interactions with Sens. Drew MacEwen, Emily Randall and Christine Rolfes. The protections offered by the Washington Public Records Act are significant to the job that we do on behalf of the community, and a tool that is available to each one of you to collectively stay informed of what our government agencies and entities are doing. This bill's intentions undermine both by moving information out of the public's view, with potentially disastrous consequences if a "bad actor," to repeat the phrase above, learns how to take advantage of the anonymity offered by a weakened PRA.

Allied Daily Newspapers, an organization that the Sun is part of, and newspaper editors

around the state are trying to convince lawmakers to oppose HB 1533 and let the bill die in the Senate. If you value transparency and open government as well, please join us and let our delegation know you feel the same.

David Nelson has been editor of the Sun since 2009. Contact him at david.nelson@kitsapsun.com. Or just contact Sen. Drew MacEwen (35th District), Sen. Emily Randall (26th) or Sen. Christine Rolfes (23rd) from the pages for each Senator at <https://leg.wa.gov/Senate/Senators/pages/default.aspx>.