

From: Manugian, Rick
Sent: Friday, January 3, 2020 12:36 PM
To: Wilson, Sen. Claire
Cc: Barnecut, Emilia
Subject: FOR YOUR REVIEW: birth date information talking points
Attachments: cw 1888 notes.docx

I meant to share these with you yesterday but we got so time-crunched, we never got to it. I worked these talking points up with help from Adam Hall and from Aaron Sherman, who staffed Sen. Kuderer during her related legislation ([SB 6079](#)). This is not a topic the Senate desires to engage in, at least at this time, and there are not general talking points for the caucus, so I drafted these for your specific use as might be useful in responding to constituent concerns or if pressed for a response in a public setting.

Some additional thoughts:

- I would use this information to comfort constituents upset about their private information being made so easily available, particularly in this age of ID theft. Beyond that, the less said the better, at least for now.
- I would avoid discussing this issue with the media. As their hysterical coverage and editorializing on the PRA showed, they are unlikely to be rational, fair or objective regarding public access to information of any kind.
- The points focus on the risk and harm to public employees, not whether personal information about public employees should be accessible to third parties. The harm to employees is the primary concern, for obvious reasons – the potential harm to individuals and organizations by forces that would misuse and/or weaponize the information. Conversely, debate about process and/or access to public information is of little concern to the public despite the media’s obsession with it, and – as noted above – not a discussion that the media can be expected to report with any semblance of fairness, accuracy or basic professional responsibility.
- Unfortunately, the nature of the Janus ruling leaves employees with no means to protect their private information from being shared and misused, whether through identity theft, domestic abusers, political organizations or other avenues. Only the Legislature has the ability to address this problem by passing new law, which was attempted in Sen. Kuderer’s bill this past session and would be attempted in HB 1888. So it makes sense to acknowledge that the Senate attempted to protect employees’ privacy and safety by passing Sen. Kuderer’s bill, and it makes sense to suggest that anyone with privacy concerns should encourage their House representatives to support HB 1888. But we should avoid throwing the House under the bus by pointing out that they failed to pass SB 6079 out of committee; the preferred tack is simply to give folks the option of asking House members to support their own legislation.

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