

Names of public workers not private during investigations, court says

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Public employees don't have a right to privacy about the fact that they're being investigated, the state Supreme Court ruled.

By [DONNA GORDON BLANKINSHIP](#)

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The Washington Supreme Court said Thursday public employees don't have a right to privacy about the fact that they're being investigated.

The ruling came after two workers with the Spokane School District, who have been on paid administrative leave for years, sought to have their names redacted on documents released under a public-records request.

In a 5-4 decision, the court said the documents — which didn't detail the substance of the allegations against the workers — could be released with the identities.

Justice Mary Yu wrote in the majority opinion that public employees are paid with tax dollars and accountable to the public, giving citizens a right to know when those employees are not performing their duties.

Yu quoted from the state public-records act in her opinion, writing “free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others.”

Yu noted that the right to privacy does exist in public records if the information is truly private, such as sexual relations, family quarrels, some illnesses, intimate letters, details of a person's life at home and some history.

The dissenting opinion, written by Justice Mary Fairhurst, argued that public employees who are the subject of unsubstantiated allegations and pending investigations do have a right to keep their identities private.

Previous court decisions contended an allegation might hold a teacher up to ridicule in the community, which led Fairhurst to argue that this standard applies in the case involving the Spokane School District.

She says one of the documents released by the district said one of the school employees was placed on administrative leave “pending completion of the district’s investigation into allegation of inappropriate interactions with a former student.”

Toby Nixon, president of the Washington Coalition for Open Government, said his group wrote a friend-of-the-court brief on the case, and the majority decision mirrored the group’s point of view that the records did not violate anyone’s right to privacy.

“I think the majority’s argument is very persuasive,” Nixon said.