

**ESSB 5294** - H AMD TO PS COMM AMD (H-2527.2/17) **556**

By Representative Goodman

**NOT CONSIDERED 01/05/2018**

1 On page 4, line 14 of the striking amendment, after "42.52 RCW"  
2 insert "except when such provisions are inconsistent with this  
3 chapter"

4  
5 On page 4, beginning on line 18 of the striking amendment, strike  
6 all of subsection (b)

7  
8 Renumber the remaining subsections consecutively and correct any  
9 internal references accordingly.

10  
11 On page 8, beginning on line 3 of the striking amendment, after  
12 "(3)" strike all material through "section" on line 10 and insert "The  
13 ombuds shall treat all matters under investigation, including the  
14 identities of recipients of ombuds services, complainants, and  
15 individuals from whom information is acquired, as confidential, except  
16 as far as disclosures may be necessary to enable the ombuds to perform  
17 the duties of the office and to support any recommendations resulting  
18 from an investigation. Upon receipt of information that by law is  
19 confidential or privileged, the ombuds shall maintain the  
20 confidentiality of such information and shall not further disclose or  
21 disseminate the information except as provided by applicable state or  
22 federal law or as authorized by subsection (4) of this section.  
23 Investigative records of the office are confidential and are exempt  
24 from public disclosure under chapter 42.56 RCW"

EFFECT: The amendment makes the following changes:  
(1) Makes an exception to the requirement that the organization  
operating the Ombuds office abide by the Ethics in Public Service  
Act (Act) for circumstances in which the provisions of the Act are

inconsistent with the applicable provisions of the bill.

(2) Removes the provision requiring the Ombuds to develop policies for responding to records requests from the public that are similar in scope to the requirements in the Public Records Act.

(3) Removes language stating that the Ombuds must preserve confidentiality of information obtained while providing services, except upon informed consent or other legal authorization. Provides instead that: (a) the Ombuds must treat all matters under investigation as confidential, except as far as disclosure may be necessary to enable the Ombuds to perform its duties and to support any recommendations; (b) the Ombuds must maintain confidentiality of any privileged or confidential material it receives, except as provided by law; and (c) investigative records of the Ombuds office are exempt from disclosure under the Public Records Act.

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