
**State Government & Tribal Relations
Committee**

HB 1888

Brief Description: Protecting employee information from public disclosure.

Sponsors: Representatives Hudgins and Valdez.

Brief Summary of Bill

- Exempts dates of birth of government employees and volunteers, and payroll deductions of dependents of government employees and volunteers from public disclosure.
- Requires a governmental entity to notify its employees when a public records request has been made for records containing personal information about the employee.

Hearing Date: 1/14/20

Staff: Carrington Skinner (786-7192).

Background:

The Public Records Act (Act) requires all state and local governmental entities to make available to the public all public records, which are records prepared or retained by a governmental entity that relate to the conduct of government or the performance of governmental or proprietary functions. This general rule applies to records regardless of the form they take unless a specific exemption applies. The Act specifies that it is to be liberally construed; any exemptions to the disclosure requirement must be interpreted narrowly.

There are a number of statutory exemptions for records or information contained in records, including certain records containing personal information and records that raise privacy concerns. Several of these exemptions apply to medical information, contact information, financial information, and other personally identifying information. Other records included in

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personnel and volunteer records, such as residential addresses, telephone numbers, email addresses, and social security numbers are also exempted.

A court may enjoin the release of a record if it determines that examination of the record would clearly not be in the public interest and would substantially and irreparably damage a person or vital government functions. A governmental agency is generally given the option to notify persons named in the record or to whom the record pertains that the release of a record has been requested, unless the agency is required to do so by law.

In October 2019 the Washington Supreme Court held that public records containing birth dates of state employees are not exempt from disclosure under the Act, and their release does not violate the State Constitution's guarantee of privacy.

Summary of Bill:

Two additional types of information included in personnel records, employment records, volunteer rosters, and mailing lists held by agencies are exempted from disclosure under the Act:

- dates of birth of employees or volunteers; and
- payroll deductions, which include the amount and identification of the deduction, of dependents of employees or volunteers.

A state or local government agency that receives a request for personal information or for records that contain personal information of an employee must provide notice regarding the request to the employee, any union representing the employee, and the requestor. This notice must include:

- the date of the request;
- the nature of the record that has been requested;
- the date on which the agency plans to release the record, which must be at least 10 days from the date the notice is mailed; and
- a statement that the record will be released unless a court order is issued before the intended release date enjoining the release of the record under procedures provided by state law.

Appropriation: None.

Fiscal Note: Requested on January 8, 2020.

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