
HOUSE BILL 1692

State of Washington

66th Legislature

2019 Regular Session

By Representatives Jinkins, Caldier, Fitzgibbon, Doglio, Cody, Macri, Gregerson, Riccelli, Kilduff, Bergquist, Dolan, Appleton, Davis, Ryu, Robinson, Morgan, Blake, Stanford, Frame, Ormsby, Tarleton, Tharinger, Fey, Kloba, Valdez, Orwall, Callan, Harris, Kirby, Ortiz-Self, Senn, Goodman, Peterson, and Reeves

Read first time 01/28/19. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to protecting information concerning agency
2 employees who have filed a claim of harassment or stalking; adding
3 new sections to chapter 42.56 RCW; creating a new section;
4 prescribing penalties; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that state agency
7 employees operate in unique work environments in which there is a
8 higher level of transparency surrounding their daily work activities.
9 The legislature finds that we must act to protect the health and
10 safety of state employees, but even more so when employees become the
11 victims of harassment or stalking. The legislature finds that when a
12 state agency employee is the target of harassment or stalking, there
13 is a significant risk to the employee's physical safety and well-
14 being. The legislature finds that workplace safety is of paramount
15 importance and that the state has an interest in protecting against
16 the inappropriate use of public resources to carry out actions of
17 harassment or stalking.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.56
19 RCW to read as follows:

1 (1) Except as provided in this section, an agency may not
2 disclose records concerning an agency employee who has made a claim
3 of harassment or stalking with the employing agency, if the record is
4 requested by a person alleged in the claim to have harassed or
5 stalked the agency employee and the agency reasonably believes that
6 the alleged act occurred. The agency may not disclose such records
7 unless ordered by a court of competent jurisdiction after finding
8 that, in consideration of the totality of the circumstances,
9 disclosure would not violate the agency employee's right to privacy
10 under RCW 42.56.050.

11 (2) Upon any request for records concerning an agency employee
12 who has made a claim with the employing agency of harassment or
13 stalking, the agency must immediately notify the agency employee of
14 the request. The agency employee may bring an action in a court of
15 competent jurisdiction within the time required for agencies to
16 respond under RCW 42.56.520 to enjoin the agency from disclosing the
17 records. The agency employee shall immediately notify the agency upon
18 filing an action under this subsection. The time to respond under RCW
19 42.56.520 shall be suspended during the pendency of an action filed
20 under this subsection. Upon notice of an action filed under this
21 subsection, the agency may not disclose such records unless by an
22 order of a court of competent jurisdiction after a finding that, in
23 consideration of the totality of the circumstances, disclosure would
24 not violate the agency employee's right to privacy under RCW
25 42.56.050.

26 (3) For the purposes of this section, it is presumed to be highly
27 offensive to a reasonable person under RCW 42.56.050 to disclose,
28 directly or indirectly, records concerning an agency employee who has
29 made a claim of harassment or stalking with the agency to persons
30 alleged in the claim to have harassed or stalked the agency employee.

31 (4) For the purposes of this section, "records concerning an
32 agency employee" do not include work product created by the agency
33 employee as part of his or her official duties.

34 NEW SECTION. **Sec. 3.** A new section is added to chapter 42.56
35 RCW to read as follows:

36 (1) Any person who requests and obtains a record concerning an
37 agency employee, as described in section 2 of this act, who has made
38 a claim with the employing agency of harassment or stalking is
39 subject to civil liability if he or she uses the record or

1 information in the record to harass, stalk, threaten, or intimidate
2 that agency employee, or provides the record or information in the
3 record to a person who uses it to harass, stalk, threaten, or
4 intimidate that agency employee.

5 (2) Any person liable under subsection (1) of this section may be
6 sued in superior court by any aggrieved party, or in the name of the
7 state by the attorney general or the prosecuting authority of any
8 political subdivision. The court may order an appropriate civil
9 remedy. The plaintiff may recover up to one thousand dollars for each
10 record used in violation of this section, as well as costs and
11 reasonable attorneys' fees.

12 (3) For the purposes of this section, "record concerning an
13 agency employee" does not include work product created by the agency
14 employee as part of his or her official duties.

15 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of
17 the state government and its existing public institutions, and takes
18 effect immediately.

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