
SUBSTITUTE HOUSE BILL 1888

State of Washington

66th Legislature

2020 Regular Session

By House State Government & Tribal Relations (originally sponsored by Representatives Hudgins and Valdez)

READ FIRST TIME 02/07/20.

1 AN ACT Relating to protecting employee information from public
2 disclosure; and amending RCW 42.56.230 and 42.56.250.

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

4 **Sec. 1.** RCW 42.56.230 and 2018 c 109 s 16 are each amended to
5 read as follows:

6 The following personal information is exempt from public
7 inspection and copying under this chapter:

8 (1) Personal information in any files maintained for students in
9 public schools, patients or clients of public institutions or public
10 health agencies, or welfare recipients;

11 (2)(a) Personal information:

12 (i) For a child enrolled in licensed child care in any files
13 maintained by the department of children, youth, and families;

14 (ii) For a child enrolled in a public or nonprofit program
15 serving or pertaining to children, adolescents, or students,
16 including but not limited to early learning or child care services,
17 parks and recreation programs, youth development programs, and after-
18 school programs; or

19 (iii) For the family members or guardians of a child who is
20 subject to the exemption under this subsection (2) if the family
21 member or guardian has the same last name as the child or if the

1 family member or guardian resides at the same address as the child
2 and disclosure of the family member's or guardian's information would
3 result in disclosure of the personal information exempted under
4 (a)(i) and (ii) of this subsection.

5 (b) Emergency contact information under this subsection (2) may
6 be provided to appropriate authorities and medical personnel for the
7 purpose of treating the individual during an emergency situation;

8 (3) (a) Personal information in files maintained for employees,
9 appointees, or elected officials of any public agency to the extent
10 that disclosure would violate their right to privacy;

11 (b) Upon receipt of a request for personal information or records
12 containing personal information of an employee, the agency must
13 provide notice to the employee, to any union representing the
14 employee, and to the requestor. The notice must state:

15 (i) The date of the request;

16 (ii) The nature of the requested record relating to the employee;

17 (iii) The date on which the agency intends to release the record,
18 which must be at least ten days from the date the notice is mailed;
19 and

20 (iv) That the record will be released unless a court order is
21 obtained before the intended release date enjoining release under RCW
22 42.56.540;

23 (4) Information required of any taxpayer in connection with the
24 assessment or collection of any tax if the disclosure of the
25 information to other persons would: (a) Be prohibited to such persons
26 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
27 authorized under RCW 35.102.145; or (b) violate the taxpayer's right
28 to privacy or result in unfair competitive disadvantage to the
29 taxpayer;

30 (5) Credit card numbers, debit card numbers, electronic check
31 numbers, card expiration dates, or bank or other financial
32 information as defined in RCW 9.35.005 including social security
33 numbers, except when disclosure is expressly required by or governed
34 by other law;

35 (6) Personal and financial information related to a small loan or
36 any system of authorizing a small loan in RCW 31.45.093;

37 (7) (a) Any record used to prove identity, age, residential
38 address, social security number, or other personal information
39 required to apply for a driver's license or identicard.

1 (b) Information provided under RCW 46.20.111 that indicates that
2 an applicant declined to register with the selective service system.

3 (c) Any record pertaining to a vehicle license plate, driver's
4 license, or identicard issued under RCW 46.08.066 that, alone or in
5 combination with any other records, may reveal the identity of an
6 individual, or reveal that an individual is or was, performing an
7 undercover or covert law enforcement, confidential public health
8 work, public assistance fraud, or child support investigative
9 activity. This exemption does not prevent the release of the total
10 number of vehicle license plates, drivers' licenses, or identicards
11 that, under RCW 46.08.066, an agency or department has applied for,
12 been issued, denied, returned, destroyed, lost, and reported for
13 misuse.

14 (d) Any record pertaining to a vessel registration issued under
15 RCW 88.02.330 that, alone or in combination with any other records,
16 may reveal the identity of an individual, or reveal that an
17 individual is or was, performing an undercover or covert law
18 enforcement activity. This exemption does not prevent the release of
19 the total number of vessel registrations that, under RCW 88.02.330,
20 an agency or department has applied for, been issued, denied,
21 returned, destroyed, lost, and reported for misuse;

22 (8) All information related to individual claims resolution
23 structured settlement agreements submitted to the board of industrial
24 insurance appeals under RCW 51.04.063, other than final orders from
25 the board of industrial insurance appeals.

26 Upon request by the legislature, the department of licensing
27 shall provide a report to the legislature containing all of the
28 information in subsection (7)(c) and (d) of this section that is
29 subject to public disclosure;

30 (9) Voluntarily submitted information contained in a database
31 that is part of or associated with enhanced 911 emergency
32 communications systems, or information contained or used in emergency
33 notification systems as provided under RCW 38.52.575 and 38.52.577;
34 and

35 (10) Until the person reaches eighteen years of age, information,
36 otherwise disclosable under chapter 29A.08 RCW, that relates to a
37 future voter, except for the purpose of processing and delivering
38 ballots.

1 **Sec. 2.** RCW 42.56.250 and 2018 c 109 s 17 are each amended to
2 read as follows:

3 The following employment and licensing information is exempt from
4 public inspection and copying under this chapter:

5 (1) Test questions, scoring keys, and other examination data used
6 to administer a license, employment, or academic examination;

7 (2) All applications for public employment, including the names
8 of applicants, resumes, and other related materials submitted with
9 respect to an applicant;

10 (3) Professional growth plans (PGPs) in educator license renewals
11 submitted through the eCert system in the office of the
12 superintendent of public instruction;

13 (4) The following information held by any public agency in
14 personnel records, public employment related records, volunteer
15 rosters, or included in any mailing list of employees or volunteers
16 of any public agency: Residential addresses, residential telephone
17 numbers, personal wireless telephone numbers, personal email
18 addresses, social security numbers, driver's license numbers,
19 identicard numbers, and emergency contact information of employees or
20 volunteers of a public agency, and the names, dates of birth,
21 residential addresses, residential telephone numbers, personal
22 wireless telephone numbers, personal email addresses, social security
23 numbers, payroll deductions including the amount and identification
24 of the deduction, and emergency contact information of dependents of
25 employees or volunteers of a public agency. For purposes of this
26 subsection, "employees" includes independent provider home care
27 workers as defined in RCW 74.39A.240;

28 (5) Information that identifies a person who, while an agency
29 employee: (a) Seeks advice, under an informal process established by
30 the employing agency, in order to ascertain his or her rights in
31 connection with a possible unfair practice under chapter 49.60 RCW
32 against the person; and (b) requests his or her identity or any
33 identifying information not be disclosed;

34 (6) Investigative records compiled by an employing agency
35 conducting an active and ongoing investigation of a possible unfair
36 practice under chapter 49.60 RCW or of a possible violation of other
37 federal, state, or local laws prohibiting discrimination in
38 employment;

39 (7) Criminal history records checks for board staff finalist
40 candidates conducted pursuant to RCW 43.33A.025;

1 (8) Except as provided in RCW 47.64.220, salary and benefit
2 information for maritime employees collected from private employers
3 under RCW 47.64.220(1) and described in RCW 47.64.220(2);

4 (9) Photographs and month and year of birth in the personnel
5 files of employees or volunteers of a public agency, including
6 employees and workers of criminal justice agencies as defined in RCW
7 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have
8 access to the photographs and full date of birth. For the purposes of
9 this subsection, news media does not include any person or
10 organization of persons in the custody of a criminal justice agency
11 as defined in RCW 10.97.030;

12 (10) The global positioning system data that would indicate the
13 location of the residence of a public employee or volunteer using the
14 global positioning system recording device; and

15 (11) Until the person reaches eighteen years of age, information,
16 otherwise disclosable under chapter 29A.08 RCW, that relates to a
17 future voter, except for the purpose of processing and delivering
18 ballots.

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