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**SECOND SUBSTITUTE HOUSE BILL 1888**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Hudgins and Valdez)

READ FIRST TIME 02/11/20.

1 AN ACT Relating to protecting employee information from public  
2 disclosure; and reenacting 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 2019 c 470 s 8, 2019 c 239 s 2, and  
5 2019 c 213 s 2 are each reenacted and amended to 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;

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; or

5 (iv) For substitute caregivers who are licensed or approved to  
6 provide overnight care of children by the department of children,  
7 youth, and families.

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

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

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

18 (i) The date of the request;

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

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

23 (iv) That the record will be released unless a court order is  
24 obtained before the intended release date enjoining release under RCW  
25 42.56.540;

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

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

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

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

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

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

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

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

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

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

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

1 (11) All information submitted by a person to the state, either  
2 directly or through a state-licensed gambling establishment, or  
3 Indian tribes, or tribal enterprises that own gambling operations or  
4 facilities with class III gaming compacts, as part of the self-  
5 exclusion program established in RCW 9.46.071 or 67.70.040 for people  
6 with a gambling problem or gambling disorder; and

7 (12) Names, addresses, or other personal information of  
8 individuals who participated in the bump-fire stock buy-back program  
9 under RCW 43.43.920.

10 **Sec. 2.** RCW 42.56.250 and 2019 c 349 s 2 and 2019 c 229 s 1 are  
11 each reenacted and amended to read as follows:

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

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

16 (2) All applications for public employment other than for  
17 vacancies in elective office, including the names of applicants,  
18 resumes, and other related materials submitted with respect to an  
19 applicant;

20 (3) Professional growth plans (PGPs) in educator license renewals  
21 submitted through the eCert system in the office of the  
22 superintendent of public instruction;

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

38 (5) Information that identifies a person who, while an agency  
39 employee: (a) Seeks advice, under an informal process established by

1 the employing agency, in order to ascertain his or her rights in  
2 connection with a possible unfair practice under chapter 49.60 RCW  
3 against the person; and (b) requests his or her identity or any  
4 identifying information not be disclosed;

5 (6) Investigative records compiled by an employing agency in  
6 connection with an investigation of a possible unfair practice under  
7 chapter 49.60 RCW or of a possible violation of other federal, state,  
8 or local laws or an employing agency's internal policies prohibiting  
9 discrimination or harassment in employment. Records are exempt in  
10 their entirety while the investigation is active and ongoing. After  
11 the agency has notified the complaining employee of the outcome of  
12 the investigation, the records may be disclosed only if the names of  
13 complainants, other accusers, and witnesses are redacted, unless a  
14 complainant, other accuser, or witness has consented to the  
15 disclosure of his or her name. The employing agency must inform a  
16 complainant, other accuser, or witness that his or her name will be  
17 redacted from the investigation records unless he or she consents to  
18 disclosure;

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

21 (8) Photographs and month and year of birth in the personnel  
22 files of employees or volunteers of a public agency, including  
23 employees and workers of criminal justice agencies as defined in RCW  
24 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have  
25 access to the photographs and full date of birth. For the purposes of  
26 this subsection, news media does not include any person or  
27 organization of persons in the custody of a criminal justice agency  
28 as defined in RCW 10.97.030;

29 (9) The global positioning system data that would indicate the  
30 location of the residence of a public employee or volunteer using the  
31 global positioning system recording device; ~~((and))~~

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

36 (11) Voluntarily submitted information collected and maintained  
37 by a state agency or higher education institution that identifies an  
38 individual state employee's personal demographic details. "Personal  
39 demographic details" means race or ethnicity, sexual orientation as  
40 defined by RCW 49.60.040(26), immigration status, national origin, or

1 status as a person with a disability. This exemption does not prevent  
2 the release of state employee demographic information in a  
3 deidentified or aggregate format.

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