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**SUBSTITUTE SENATE BILL 5586**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senate Labor & Commerce (originally sponsored by Senators King, Robinson, and Wellman)

READ FIRST TIME 02/08/23.

1 AN ACT Relating to employees' paid family or medical leave data;  
2 amending RCW 50A.25.040; and providing an effective date.

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

4 **Sec. 1.** RCW 50A.25.040 and 2019 c 13 s 73 are each amended to  
5 read as follows:

6 (1) An individual shall have access to all records and  
7 information concerning that individual held by the department unless  
8 the information is exempt from disclosure under RCW 42.56.410.

9 (2) An employer shall have access to:

10 (a) Its own records relating to any claim or determination for  
11 family or medical leave benefits by an individual;

12 (b) Records and information relating to a decision to allow or  
13 deny benefits if the decision is based on material information  
14 provided by the employer; and

15 (c) Records and information related to that employer's premium  
16 assessment.

17 (3) (a) Any interested party may have access to the following  
18 records and information related to an employee's paid family or  
19 medical leave claim:

20 (i) Type of leave being taken;

1       (ii) Requested duration of leave including the approved dates of  
2 leave;

3       (iii) Remaining hours of leave available in the employee's  
4 entitlement;

5       (iv) Weekly benefit amount; and

6       (v) Actual benefits paid and hours claimed.

7       (b) Any information provided under this subsection shall be  
8 considered accurate to the extent possible based on information  
9 available to the department at the time the request is processed.

10       (c) Any information provided under this subsection may only be  
11 used for the purpose of administering internal employer leave or  
12 benefit practices under established employer policies. The department  
13 may investigate unauthorized uses of records and information obtained  
14 under this subsection in accordance with RCW 50A.40.010.

15       (d) For the purposes of this subsection, "interested party" means  
16 a current employer, a current employer's third-party administrator,  
17 or an employee. "Interested party" may be specified further in rule  
18 by the department.

19       (4) The department may disclose records and information deemed  
20 confidential under this chapter to a third party acting on behalf of  
21 an individual or employer that would otherwise be eligible to receive  
22 records under subsection (1) or (2) of this section when the  
23 department receives a signed release from the individual or employer.  
24 The release must include a statement:

25       (a) Specifically identifying the information that is to be  
26 disclosed;

27       (b) That state government files will be accessed to obtain that  
28 information;

29       (c) Of the specific purpose or purposes for which the information  
30 is sought and a statement that information obtained under the release  
31 will only be used for that purpose or purposes; and

32       (d) Indicating all the parties who may receive the information  
33 disclosed.

34       NEW SECTION. Sec. 2. This act takes effect January 1, 2024.

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