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**SUBSTITUTE HOUSE BILL 1610**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House State Government & Tribal Relations (originally sponsored by Representatives Hunt, Doglio, Fitzgibbon, Parshley, Duerr, and Zahn; by request of Department of Commerce)

READ FIRST TIME 02/14/25.

1 AN ACT Relating to the disclosure of critical energy  
2 infrastructure information; and amending RCW 42.56.420.

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

4 **Sec. 1.** RCW 42.56.420 and 2023 c 404 s 3 are each amended to  
5 read as follows:

6 The following information relating to security is exempt from  
7 disclosure under this chapter:

8 (1) Those portions of records assembled, prepared, or maintained  
9 to prevent, mitigate, or respond to criminal terrorist acts, which  
10 are acts that significantly disrupt the conduct of government or of  
11 the general civilian population of the state or the United States and  
12 that manifest an extreme indifference to human life, the public  
13 disclosure of which would have a substantial likelihood of  
14 threatening public safety, consisting of:

15 (a) Specific and unique vulnerability assessments or specific and  
16 unique response or deployment plans, including compiled underlying  
17 data collected in preparation of or essential to the assessments, or  
18 to the response or deployment plans; and

19 (b) Records not subject to public disclosure under federal law  
20 that are shared by federal or international agencies, and information  
21 prepared from national security briefings provided to state or local

1 government officials related to domestic preparedness for acts of  
2 terrorism;

3 (2) Those portions of records containing specific and unique  
4 vulnerability assessments or specific and unique emergency and escape  
5 response plans at a city, county, or state adult or juvenile  
6 correctional facility, or secure facility for persons civilly  
7 confined under chapter 71.09 RCW, the public disclosure of which  
8 would have a substantial likelihood of threatening the security of a  
9 city, county, or state adult or juvenile correctional facility,  
10 secure facility for persons civilly confined under chapter 71.09 RCW,  
11 or any individual's safety;

12 (3) Information compiled by school districts or schools in the  
13 development of their comprehensive safe school plans under RCW  
14 28A.320.125, to the extent that they identify specific  
15 vulnerabilities of school districts and each individual school;

16 (4) Information regarding the public and private infrastructure  
17 and security of computer and telecommunications networks, consisting  
18 of security passwords, security access codes and programs, access  
19 codes for secure software applications, security and service recovery  
20 plans, security risk assessments, and security test results to the  
21 extent that they identify specific system vulnerabilities, and other  
22 such information the release of which may increase risk to the  
23 confidentiality, integrity, or availability of security, information  
24 technology infrastructure, or assets;

25 (5) The system security and emergency preparedness plan required  
26 under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170,  
27 and 81.112.180; (~~and~~)

28 (6) Personally identifiable information of employees, and other  
29 security information, of a private cloud service provider that has  
30 entered into a criminal justice information services agreement as  
31 contemplated by the United States department of justice criminal  
32 justice information services security policy, as authorized by 28  
33 C.F.R. Part 20; and

34 (7)(a) Critical energy infrastructure information in possession  
35 of any agency.

36 (b) The following definitions apply for purposes of this  
37 subsection:

38 (i) "Critical energy infrastructure" means systems and assets,  
39 whether physical or virtual, the incapacity or destruction of which  
40 threatens to disrupt or diminish the supply of energy to the extent

1 that the public health, safety, and general welfare may be  
2 jeopardized;

3 (ii) (A) "Critical energy infrastructure information" means  
4 information regarding critical energy infrastructure where the  
5 information:

6 (I) Records containing actual, potential, or threatened  
7 interference with, attacks on, compromise of, or incapacitation of  
8 critical energy infrastructure or protected systems by either  
9 physical or computer-based attacks, or other similar conduct that  
10 violates federal, state, or local law, harms interstate commerce of  
11 Washington state or the United States, or threatens to disrupt or  
12 diminish the supply of energy to the extent that the public health,  
13 safety, and general welfare may be jeopardized; or

14 (II) Does not simply give the general location of or relay  
15 publicly available information about the critical energy  
16 infrastructure.

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