
HOUSE BILL 1949

State of Washington

69th Legislature

2025 Regular Session

By Representatives Pollet, Springer, Reed, Parshley, Salahuddin, Macri, and Doglio

Read first time 02/11/25. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to exempting certain scholarly communications
2 from disclosure under the public records act; adding a new section to
3 chapter 42.56 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6 (a) In the course of their professional duties, faculty are asked
7 and expected to provide candid advice or recommendations in a number
8 of settings. These include peer reviews of articles or book
9 manuscripts submitted to journal editors or scholarly presses and
10 critiques of research proposals submitted to federal or other
11 research funding agencies. Faculty also commonly work with research
12 subjects who may provide various kinds of sensitive information.
13 Academic inquiry and endeavors are also promoted when development of
14 manuscripts, codes, and research analyses may be done without
15 disclosure prior to patenting or copyrighting, public dissemination,
16 or publication.

17 (b) In each of the above settings, a promise of confidentiality
18 encourages faculty, students, and research subjects to be frank
19 participants in processes integral to the academic enterprise.
20 Confidential review processes undergird academic integrity; the

1 academic freedom offered to scholars in turn hinges on accountability
2 in the form of confidential peer review.

3 (c) In addition to the aforementioned activities, faculty,
4 research staff, and students engage in the production of intellectual
5 property, including instructional materials such as lecture notes,
6 research materials including data, methodologies, and draft works in
7 progress. In many cases faculty operate in competitive settings where
8 there is an advantage to be gained from being the first to report a
9 finding, or the first to develop innovative instructional materials.

10 (2) The legislature intends to narrowly amend the public records
11 act to recognize the state's interest in fostering academic settings
12 where faculty, staff, and students may innovate without the concern
13 of having unpublished materials released, and where promises of
14 confidentiality offered by journal editors, scholarly presses,
15 funding agencies, investigators working with research subjects, and
16 institutions of higher education themselves are fully recognized and
17 respected in law.

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

20 (1) The following are exempt from public inspection and copying
21 under this chapter:

22 (a) The identity of a human subject if the informed consent
23 protocol for the research study had guaranteed confidentiality of
24 records identifying that subject;

25 (b) The following records only as they relate to peer reviews of
26 scholarly manuscripts and research proposals: Materials provided to
27 reviewers for the purpose of such peer reviews, evaluations by peer
28 reviewers, and correspondence between the reviewer and the review
29 requester to the extent such correspondence would reveal the
30 reviewer's identity; and

31 (c) Data, computer code, or draft manuscripts created in the
32 conduct of research studies until such data, code, or draft
33 manuscripts have been publicly disseminated, published, copyrighted,
34 or patented.

35 (2) As used in this section:

36 (a) "Human subject" has the meaning defined in 45 C.F.R. Sec.
37 46.102, as it existed February 1, 2025.

1 (b) "Research" has the meaning defined in 45 C.F.R. Sec. 46.102,
2 as it existed February 1, 2025.

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