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**SUBSTITUTE HOUSE BILL 2778**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** House State Government, Elections & Information Technology (originally sponsored by Representatives Jinkins, Stambaugh, Fitzgibbon, Gregerson, Caldier, Kilduff, Tharinger, Hansen, Orwall, Wylie, Stonier, Bergquist, Clibborn, Dolan, McBride, Kraft, Macri, Senn, Reeves, Haler, Riccelli, Valdez, Sawyer, Tarleton, Frame, Doglio, Fey, Robinson, Pollet, Kloba, Stanford, and Santos)

AN ACT Relating to protecting personal information from disclosure for persons who make claims of sexual harassment; reenacting and amending RCW 42.56.250; and adding new sections to chapter 42.56 RCW.

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

**Sec.**  RCW 42.56.250 and 2017 c 38 s 1 and 2017 c 16 s 1 are each reenacted and amended to read as follows:

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

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

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

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

(4) The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, driver's license numbers, identicard numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency. For purposes of this subsection, "employees" includes independent provider home care workers as defined in RCW 74.39A.240;

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

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

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

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

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

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

(11) Information that identifies an agency employee who has made a claim with the employing agency of sexual harassment and has requested that his or her identity or any identifying information not be disclosed without his or her consent, except for the name of the agency employee who made the claim and receives a monetary settlement from the agency arising out of the claim of sexual harassment. The agency must notify the employee who makes a claim of sexual harassment that the employee may request that his or her identity or any identifying information not be disclosed.

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

(1) Any person who requests and obtains the identity or identifying information of an agency employee that has made a claim of sexual harassment and uses such information to harass, stalk, threaten, or intimidate that employee, is subject to civil liability.

(2) Any person liable under subsection (1) of this section may be sued in superior court by any aggrieved party, or in the name of the state by the attorney general or the prosecuting authority of any political subdivision. The court may order an appropriate civil remedy. The plaintiff may recover up to one thousand dollars for each record used in violation of this section, as well as costs and reasonable attorneys' fees.

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

By January 1, 2023, the public records exemptions accountability committee, in addition to its duties in RCW 42.56.140, must prepare and submit a report to the legislature that includes recommendations on whether the exemption created in section 1, chapter . . ., Laws of 2018 (section 1 of this act) should be continued, modified, or terminated, in accordance with its authority under RCW 42.56.140.

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