
SENATE BILL 6616

State of Washington

54th Legislature

1996 Regular Session

By Senators Hale, Sheldon, Oke and Haugen

Read first time 01/19/96. Referred to Committee on Government Operations.

1 AN ACT Relating to the release of employment security data to
2 governmental agencies; and amending RCW 50.13.060.

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

4 **Sec. 1.** RCW 50.13.060 and 1993 c 281 s 59 are each amended to read
5 as follows:

6 (1) Governmental agencies, including law enforcement agencies,
7 prosecuting agencies, and the executive branch, whether state, local,
8 or federal shall have access to information or records deemed private
9 and confidential under this chapter if the information or records are
10 needed by the agency for official purposes and:

11 (a) The agency submits an application in writing to the employment
12 security department for the records or information containing a
13 statement of the official purposes for which the information or records
14 are needed and specific identification of the records or information
15 sought from the department; and

16 (b) The director, commissioner, chief executive, or other official
17 of the agency has verified the need for the specific information in
18 writing either on the application or on a separate document; and

1 (c) The agency requesting access has served a copy of the
2 application for records or information on the individual or employing
3 unit whose records or information are sought and has provided the
4 department with proof of service. Service shall be made in a manner
5 which conforms to the civil rules for superior court. The requesting
6 agency shall include with the copy of the application a statement to
7 the effect that the individual or employing unit may contact the public
8 records officer of the employment security department to state any
9 objections to the release of the records or information. The
10 employment security department shall not act upon the application of
11 the requesting agency until at least five days after service on the
12 concerned individual or employing unit. The employment security
13 department shall consider any objections raised by the concerned
14 individual or employing unit in deciding whether the requesting agency
15 needs the information or records for official purposes.

16 (2) The requirements of subsections (1) and (7) of this section
17 shall not apply to the state legislative branch. The state legislature
18 shall have access to information or records deemed private and
19 confidential under this chapter, if the legislature or a legislative
20 committee finds that the information or records are necessary and for
21 official purposes. If the employment security department does not make
22 information or records available as provided in this subsection, the
23 legislature may exercise its authority granted by chapter 44.16 RCW.

24 (3) In cases of emergency the governmental agency requesting access
25 shall not be required to formally comply with the provisions of
26 subsection (1) of this section at the time of the request if the
27 procedures required by subsection (1) of this section are complied with
28 by the requesting agency following the receipt of any records or
29 information deemed private and confidential under this chapter. An
30 emergency is defined as a situation in which irreparable harm or damage
31 could occur if records or information are not released immediately.

32 (4) The requirements of subsection (1)(c) of this section shall not
33 apply to governmental agencies where the procedures would frustrate the
34 investigation of possible violations of criminal laws or to the release
35 of employing unit names, addresses, number of employees, and wage data
36 for the purpose of state governmental agencies preparing small business
37 economic impact statements pursuant to chapter 19.85 RCW or preparing
38 cost benefit analysis pursuant to RCW 34.05.328(1)(c).

1 (5) Governmental agencies shall have access to certain records or
2 information, limited to such items as names, addresses, social security
3 numbers, and general information about benefit entitlement or employer
4 information possessed by the department, for comparison purposes with
5 records or information possessed by the requesting agency to detect
6 improper or fraudulent claims, or to determine potential tax liability
7 or employer compliance with registration and licensing requirements.
8 In those cases the governmental agency shall not be required to comply
9 with subsection (1)(c) of this section, but the requirements of the
10 remainder of subsection (1) must be satisfied.

11 (6) Disclosure to governmental agencies of information or records
12 obtained by the employment security department from the federal
13 government shall be governed by any applicable federal law or any
14 agreement between the federal government and the employment security
15 department where so required by federal law. When federal law does not
16 apply to the records or information state law shall control.

17 (7) The disclosure of any records or information by a governmental
18 agency which has obtained the records or information under this section
19 is prohibited unless the disclosure is directly connected to the
20 official purpose for which the records or information were obtained.

21 (8) In conducting periodic salary or fringe benefit studies
22 pursuant to law, the department of personnel shall have access to
23 records of the employment security department as may be required for
24 such studies. For such purposes, the requirements of subsection (1)(c)
25 of this section need not apply.

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