

ESHB 1533 - S COMM AMD

By Committee on State Government & Elections

ADOPTED AND ENGROSSED 04/07/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 42.56.250 and 2020 c 106 s 1 are each amended to
4 read as follows:

5 (1) The following employment and licensing information is exempt
6 from public inspection and copying under this chapter:

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

10 ~~((2))~~ (b) All applications for public employment other than for
11 vacancies in elective office, including the names of applicants,
12 resumes, and other related materials submitted with respect to an
13 applicant;

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

17 ~~((4))~~ (d) The following information held by any public agency
18 in personnel records, public employment related records, volunteer
19 rosters, or included in any mailing list of employees or volunteers
20 of any public agency: Residential addresses, residential telephone
21 numbers, personal wireless telephone numbers, personal email
22 addresses, social security numbers, driver's license numbers,
23 identicard numbers, payroll deductions including the amount and
24 identification of the deduction, and emergency contact information of
25 employees or volunteers of a public agency, and the names, dates of
26 birth, residential addresses, residential telephone numbers, personal
27 wireless telephone numbers, personal email addresses, social security
28 numbers, and emergency contact information of dependents of employees
29 or volunteers of a public agency. For purposes of this subsection,
30 "employees" includes independent provider home care workers as
31 defined in RCW 74.39A.240;

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

7 ~~((6))~~ (f) Investigative records compiled by an employing agency
8 in connection with an investigation of a possible unfair practice
9 under chapter 49.60 RCW or of a possible violation of other federal,
10 state, or local laws or an employing agency's internal policies
11 prohibiting discrimination or harassment in employment. Records are
12 exempt in their entirety while the investigation is active and
13 ongoing. After the agency has notified the complaining employee of
14 the outcome of the investigation, the records may be disclosed only
15 if the names of complainants, other accusers, and witnesses are
16 redacted, unless a complainant, other accuser, or witness has
17 consented to the disclosure of his or her name. The employing agency
18 must inform a complainant, other accuser, or witness that his or her
19 name will be redacted from the investigation records unless he or she
20 consents to disclosure;

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

23 ~~((8))~~ (h) Photographs and month and year of birth in the
24 personnel files of employees or volunteers of a public agency,
25 including employees and workers of criminal justice agencies as
26 defined in RCW 10.97.030. The news media, as defined in RCW
27 5.68.010(5), shall have access to the photographs and full date of
28 birth. For the purposes of this subsection, news media does not
29 include any person or organization of persons in the custody of a
30 criminal justice agency as defined in RCW 10.97.030;

31 ~~((9))~~ (i) (i) Any employee's name or other personally identifying
32 information, including but not limited to birthdate, job title,
33 addresses of work stations and locations, work email address, work
34 phone number, bargaining unit, or other similar information,
35 maintained by an agency in personnel-related records or systems, or
36 responsive to a request for a list of individuals subject to the
37 commercial purpose prohibition under RCW 42.56.070(8), if the
38 employee has provided:

39 (A) A sworn statement, signed under penalty of perjury and
40 verified by the director of the employing agency or director's

1 designee, that the employee or a dependent of the employee is a
2 survivor of domestic violence as defined in RCW 10.99.020 or
3 7.105.010, sexual assault as defined in RCW 70.125.030 or sexual
4 abuse as defined in RCW 7.105.010, stalking as described in RCW
5 9A.46.110 or defined in RCW 7.105.010, or harassment as described in
6 RCW 9A.46.020 or defined in RCW 7.105.010, and notifying the agency
7 as to why the employee has a reasonable basis to believe that the
8 risk of domestic violence, sexual assault, sexual abuse, stalking, or
9 harassment continues to exist. A sworn statement under this
10 subsection expires after two years, but may be subsequently renewed
11 by providing a new sworn statement to the employee's employing
12 agency; or

13 (B) Provides proof to the employing agency of the employee's
14 participation or the participation of a dependent in the address
15 confidentiality program under chapter 40.24 RCW.

16 (ii) Any documentation maintained by an agency to administer this
17 subsection (1)(i) is exempt from disclosure under this chapter and is
18 confidential and may not be disclosed without consent of the employee
19 who submitted the documentation. Agencies may provide information to
20 their employees on how to submit a request to anonymize their work
21 email address.

22 (iii) For purposes of this subsection (1)(i), "verified" means
23 that the director of the employing agency or director's designee
24 confirmed that the sworn statement identifies the alleged perpetrator
25 or perpetrators by name and, if possible, image or likeness, or that
26 the director or designee obtained from the employee a police report,
27 protection order petition, or other documentation of allegations
28 related to the domestic violence, sexual assault or abuse, stalking,
29 or harassment.

30 (iv) The exemption in this subsection (1)(i) does not apply to
31 public records requests from the news media as defined in RCW
32 5.68.010(5);

33 (j) The global positioning system data that would indicate the
34 location of the residence of a public employee or volunteer using the
35 global positioning system recording device;

36 ((+10)) (k) Until the person reaches eighteen years of age,
37 information, otherwise disclosable under chapter 29A.08 RCW, that
38 relates to a future voter, except for the purpose of processing and
39 delivering ballots; and

1 (~~(11)~~) (1) Voluntarily submitted information collected and
2 maintained by a state agency or higher education institution that
3 identifies an individual state employee's personal demographic
4 details. "Personal demographic details" means race or ethnicity,
5 sexual orientation as defined by RCW 49.60.040(~~(26)~~) (27),
6 immigration status, national origin, or status as a person with a
7 disability. This exemption does not prevent the release of state
8 employee demographic information in a deidentified or aggregate
9 format.

10 (~~(12)~~) (2) Upon receipt of a request for information located
11 exclusively in an employee's personnel, payroll, supervisor, or
12 training file, the agency must provide notice to the employee, to any
13 union representing the employee, and to the requestor. The notice
14 must state:

- 15 (a) The date of the request;
- 16 (b) The nature of the requested record relating to the employee;
- 17 (c) That the agency will release any information in the record
18 which is not exempt from the disclosure requirements of this chapter
19 at least ten days from the date the notice is made; and
- 20 (d) That the employee may seek to enjoin release of the records
21 under RCW 42.56.540.

22 NEW SECTION. **Sec. 2.** (1) By May 1, 2025, the joint legislative
23 audit and review committee must analyze the impacts of section 1 of
24 this act and must submit a report summarizing its analysis to the
25 legislature. In preparing the report, the joint legislative audit and
26 review committee must consult survivors with direct lived experience
27 of domestic violence, sexual assault or abuse, stalking, or
28 harassment. The report must include, at a minimum:

29 (a) Whether the exemption created in section 1 of this act, and
30 exceptions to the exemption, effectively protects public employees
31 and dependents who are survivors of domestic violence, sexual assault
32 or abuse, stalking, or harassment by protecting their personal
33 information while maintaining public transparency and oversight of
34 governmental operations; and

35 (b) Whether the exemption created in section 1 of this act, and
36 exceptions to the exemption, should be maintained or modified to
37 ensure the protection of public employees and dependents who are
38 survivors of domestic violence, sexual assault or abuse, stalking, or

1 harassment by protecting their personal information while maintaining
2 public transparency and oversight of governmental operations.

3 (2) This section expires June 30, 2025.

4 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of
6 the state government and its existing public institutions, and takes
7 effect immediately."

ESHB 1533 - S COMM AMD

By Committee on State Government & Elections

ADOPTED 04/07/2023

8 On page 1, line 3 of the title, after "stalking;" strike the
9 remainder of the title and insert "amending RCW 42.56.250; creating a
10 new section; providing an expiration date; and declaring an
11 emergency."

--- END ---