

CERTIFICATION OF ENROLLMENT  
**SECOND SUBSTITUTE HOUSE BILL 1888**

Chapter 106, Laws of 2020

66th Legislature  
2020 Regular Session

PUBLIC AGENCY EMPLOYEES--PERSONAL INFORMATION--PUBLIC RECORDS ACT

EFFECTIVE DATE: June 11, 2020

Passed by the House March 9, 2020  
Yeas 91 Nays 5

\_\_\_\_\_  
LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate March 4, 2020  
Yeas 36 Nays 10

\_\_\_\_\_  
CYRUS HABIB

**President of the Senate**

Approved March 25, 2020 2:53 PM

\_\_\_\_\_  
JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1888** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
BERNARD DEAN

**Chief Clerk**

FILED

March 26, 2020

**Secretary of State  
State of Washington**

---

**SECOND SUBSTITUTE HOUSE BILL 1888**

---

AS AMENDED BY THE SENATE

Passed Legislature - 2020 Regular Session

**State of Washington**                      **66th Legislature**                      **2020 Regular Session**

**By** House Appropriations (originally sponsored by Representatives  
Hudgins and Valdez)

READ FIRST TIME 02/11/20.

1            AN ACT Relating to protecting employee information from public  
2 disclosure; and reenacting and amending RCW 42.56.250.

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

4            **Sec. 1.** RCW 42.56.250 and 2019 c 349 s 2 and 2019 c 229 s 1 are  
5 each reenacted and amended to read as follows:

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

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

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

17           (4) The following information held by any public agency in  
18 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

1 addresses, social security numbers, driver's license numbers,  
2 identicard numbers, payroll deductions including the amount and  
3 identification of the deduction, and emergency contact information of  
4 employees or volunteers of a public agency, and the names, dates of  
5 birth, residential addresses, residential telephone numbers, personal  
6 wireless telephone numbers, personal email addresses, social security  
7 numbers, and emergency contact information of dependents of employees  
8 or volunteers of a public agency. For purposes of this subsection,  
9 "employees" includes independent provider home care workers as  
10 defined in RCW 74.39A.240;

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

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

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

33 (8) Photographs and month and year of birth in the personnel  
34 files of employees or volunteers of a public agency, including  
35 employees and workers of criminal justice agencies as defined in RCW  
36 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have  
37 access to the photographs and full date of birth. For the purposes of  
38 this subsection, news media does not include any person or  
39 organization of persons in the custody of a criminal justice agency  
40 as defined in RCW 10.97.030;

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

4 (10) Until the person reaches eighteen years of age, information,  
5 otherwise disclosable under chapter 29A.08 RCW, that relates to a  
6 future voter, except for the purpose of processing and delivering  
7 ballots; and

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

16 (12) Upon receipt of a request for information located  
17 exclusively in an employee's personnel, payroll, supervisor, or  
18 training file, the agency must provide notice to the employee, to any  
19 union representing the employee, and to the requestor. The notice  
20 must state:

21 (a) The date of the request;

22 (b) The nature of the requested record relating to the employee;

23 (c) That the agency will release any information in the record  
24 which is not exempt from the disclosure requirements of this chapter  
25 at least ten days from the date the notice is made; and

26 (d) That the employee may seek to enjoin release of the records  
27 under RCW 42.56.540.

Passed by the House March 9, 2020.

Passed by the Senate March 4, 2020.

Approved by the Governor March 25, 2020.

Filed in Office of Secretary of State March 26, 2020.

--- END ---