AN ACT Relating to exempting election security information from public records disclosure; amending RCW 42.56.420; creating a new section; and declaring an emergency.

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

Sec. 1. RCW 42.56.420 and 2017 c 149 s 1 are each amended to read as follows:

The following information relating to security is exempt from disclosure under this chapter:

(1) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(a) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(b) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information
prepared from national security briefings provided to state or local
government officials related to domestic preparedness for acts of
terrorism;

(2) Those portions of records containing specific and unique
vulnerability assessments or specific and unique emergency and escape
response plans at a city, county, or state adult or juvenile
correctional facility, or secure facility for persons civilly
confined under chapter 71.09 RCW, the public disclosure of which
would have a substantial likelihood of threatening the security of a
city, county, or state adult or juvenile correctional facility,
secure facility for persons civilly confined under chapter 71.09 RCW,
or any individual's safety;

(3) Information compiled by school districts or schools in the
development of their comprehensive safe school plans under RCW
28A.320.125, to the extent that they identify specific
vulnerabilities of school districts and each individual school;

(4) Information regarding the public and private infrastructure
and security of computer and telecommunications networks, consisting
of security passwords, security access codes and programs, access
codes for secure software applications, security and service recovery
plans, security risk assessments, and security test results to the
extent that they identify specific system vulnerabilities, and other
such information the release of which may increase risk to the
confidentiality, integrity, or availability of security, information
technology infrastructure, or assets;

(5) The system security and emergency preparedness plan required
under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170,
and 81.112.180; (and)

(6) Personally identifiable information of employees, and other
security information, of a private cloud service provider that has
entered into a criminal justice information services agreement as
contemplated by the United States department of justice criminal
justice information services security policy, as authorized by 28
C.F.R. Part 20; and

(7) In addition to the information in subsection (4) of this
section, the following related to election security:

(a)(i) The continuity of operations plan for election operations
and any security audits, security risk assessments, or security test
results, relating to physical security or cybersecurity of election
operations or infrastructure. These records are exempt from
disclosure in their entirety; and

(ii) Those portions of records containing information about
election infrastructure, election security, or potential threats to
election security, the public disclosure of which may increase risk
to the integrity of election operations or infrastructure.

(b) The exemptions specified in (a) of this subsection do not
include information or records pertaining to security breaches,
except as prohibited from disclosure pursuant to RCW 29A.12.200.

(c) The exemptions specified in (a) of this subsection do not
prohibit an audit authorized or required under Title 29A RCW from
being conducted.

NEW SECTION.  Sec. 2. The exemptions in this act apply to any
public records requests made prior to the effective date of this
section for which the disclosure of records has not already occurred.

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

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