
**State Government & Tribal Relations
Committee**

HB 1533

Brief Description: Exempting the disclosure of certain information of agency employees or their dependents who are survivors of domestic violence, sexual assault, harassment, or stalking.

Sponsors: Representatives Mena, Davis, Reed, Doglio, Fosse, Berg, Taylor, Ryu, Peterson, Berry, Walen, Alvarado, Ramel, Simmons, Griffey, Morgan, Gregerson, Shavers, Ormsby, Pollet, Fey, Kloba, Bateman and Macri.

Brief Summary of Bill

- Exempts from disclosure under the Public Records Act certain information of agency employees or their dependents who are survivors of domestic violence, sexual assault, harassment, or stalking.

Hearing Date: 2/3/23

Staff: Devon Mann (786-7290) and Desiree Omli (786-7105).

Background:

The Public Records Act.

The Public Records Act (PRA) requires that all public records maintained by state and local agencies be made available to all members of the public, except for records specifically exempt under the PRA or other statute. A public record is defined as any writing that is prepared, owned, used, or retained by any state or local government agency, and which contains information that relates to the conduct of government, or the performance of any governmental or proprietary function. The term “writing” is broadly defined to include not only traditional written records, but also photos, maps, videos, voicemails, webpage and social media content,

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emails, text messages and tweets. Within five business days of receiving the request, the agency must either provide the records, provide a reasonable estimate of the time the agency will take to respond to this request, or deny the request. Provisions under the PRA are construed liberally, and the exemptions must be construed narrowly.

The PRA provides for various exemptions related to personally identifiable information or a person's right to privacy. For example, personal information in employee files maintained by an agency is exempt to the extent that disclosure would violate the employee's right to privacy. A person's right to privacy is violated if the disclosure of the information: (1) would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. In addition, certain employment information held by an agency in personnel records is also specifically exempt under the PRA such as residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, driver's license numbers, identicard numbers, payroll deductions, emergency contact information of employees, 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. Further, client records maintained by an agency that is a domestic violence program or a community sexual assault program are exempt from disclosure under the PRA.

Domestic Violence.

Domestic violence is defined in the criminal procedure statute as including any of the following crimes when committed either by (a) one family or household member against another family or household member, or (b) one intimate partner against another intimate partner: assault, drive by shooting, reckless endangerment, coercion, burglary, criminal trespass, malicious mischief, kidnapping, unlawful imprisonment, violation of a no contact order, rape, stalking, or interference in reporting domestic violence.

Sexual Assault.

Sexual assault is defined under the Victims of Sexual Assault Act as one or more of the following: rape or rape of a child, assault with intent to commit rape or rape of a child, incest or indecent liberties, child molestation, sexual misconduct with a minor, custodial sexual misconduct, crimes with a sexual motivation, sexual exploitation or commercial sex abuse of a minor, promoting prostitution, or an attempt to commit any of the aforementioned offenses.

Stalking.

Under the criminal code, a person is guilty of stalking when: (1) they intentionally and repeatedly harass or follow another person; (2) the person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or another person; and (3) the stalker either intends to frighten, intimidate, or harass the person or knows or reasonably should know that the person is afraid, intimidated, or harassed.

Harassment.

Under the criminal code, harassment occurs when, without lawful authority, a person knowingly

threatens to: (1) cause bodily injury immediately or in the future to another; (2) cause physical damage to the property of another; (3) subject the person threatened or any other person to physical confinement or restraint; or (4) maliciously do any other act which is intended to substantially harm the person threatened or another with respect to his or her physical or mental health or safety. The perpetrator of the harassment, by words or conduct, must have placed the person threatened in reasonable fear that the threat will be carried out.

Summary of Bill:

If an agency employee or their dependent are a survivor of domestic violence, sexual assault, stalking, or harassment, as defined under the criminal procedure statute, Victims of Sexual Assault Act, or criminal code, the following information held by the employee's employing agency is exempt under the PRA: the agency employee's name provided in connection with the employee's birthdate, job title, addresses of work stations and locations, work email address, work phone number, bargaining unit, or any other information held by the employing agency that could be used to determine the exact work location of the employee.

To qualify for this exemption, the agency employee must provide their employing agency with a sworn statement, signed under penalty of perjury, that the employee or the employee's dependent are a survivor of domestic violence, sexual assault, stalking, or harassment. Any documentation maintained by the employing agency to administer this exemption is confidential and may not be disclosed.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.