

SENATE BILL REPORT

ESHB 1533

As of March 16, 2023

Title: An act relating to exempting the disclosure of certain information of agency employees or their dependents who are survivors of domestic violence, sexual assault, harassment, or stalking.

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: House Committee on State Government & Tribal Relations (originally sponsored by 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 History: Passed House: 3/6/23, 80-15.

Committee Activity: State Government & Elections: 3/21/23.

Brief Summary of Bill

- Exempts personally identifying information of state agency and K to 12 public school employees from public disclosure requirements if the employee provides a sworn statement, subject to renewal every two years, that the employee or a dependent is a survivor of domestic violence, sexual assault or abuse, stalking, or harassment, or demonstrates that the employee or dependent participates in the Address Confidentiality Program.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Staff: Samuel Brown (786-7470)

Background: Public Records Act. The Public Records Act (PRA), enacted in 1972 as part

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of Initiative 276, requires all state and local government agencies to make all public records available for public inspection and copying, unless certain statutory exemptions apply. Over 500 specific references in the PRA or other statutes remove certain information from application of the PRA, provide exceptions to the public disclosure and copying of certain information, or designate certain information as confidential. The provisions requiring public records disclosure must be interpreted liberally, while the exemptions are interpreted narrowly to effectuate the general policy favoring disclosure. However, agencies may not disclose lists of individuals requested for commercial purposes unless specifically authorized by law.

Personal and Employment Information. Personal information in employee files maintained by an agency is exempt from disclosure requirements 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.

Certain employment information held by an agency in personnel records is exempt from the PRA's disclosure requirements, including:

- residential addresses and telephone numbers;
- personal wireless telephone numbers and email addresses;
- social security, driver's license, and identocard numbers;
- payroll deductions; and
- emergency contact information.

The names, dates of birth, residential addresses, residential and personal wireless telephone numbers, personal email addresses, social security numbers, and emergency contact information of dependents of employees in agency personnel records are also exempt from the PRA's disclosure requirements.

Address Confidentiality Program. The Address Confidentiality Program (ACP), administered by the Office of the Secretary of State, to help people who fear for their safety maintain a confidential address. ACP participants are assigned a post office box address that they can use as their legal home, work, or school address, which public agencies are legally required to accept. State residents who are targets of stalking, domestic violence, trafficking, or sexual assault are eligible to participate in the ACP. Currently, the ACP serves over 5000 residents.

Summary of Bill: The name or other personally identifying information of a state agency or K to 12 public school employee in agency personnel records, systems, or lists is exempt from public disclosure requirements if the employee has provided:

- a sworn statement, which expires after two years but may be renewed, that the employee or a dependent of the employee is a survivor of domestic violence, sexual assault, sexual abuse, stalking, or harassment, and the employee has a reasonable basis that risk of that conduct continues to exist; or

- proof of the employee or a dependent's participation in the ACP.

Personally identifying information subject to the exemption includes the employee's birthdate, job title, job site, work e-mail address and phone number, and bargaining unit. Any documentation maintained by an agency to administer the exemption is confidential and may not be disclosed. State agencies and K to 12 public schools may provide employees information on how to anonymize their work email address.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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