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ENGROSSED SUBSTITUTE HOUSE BILL 1533

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State of Washington

68th Legislature

2023 Regular Session

**By** House 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)

READ FIRST TIME 02/14/23.

1 AN ACT Relating to exempting the disclosure of certain  
2 information of agency employees or their dependents who are survivors  
3 of domestic violence, sexual assault, harassment, or stalking;  
4 amending RCW 42.56.250; and declaring an emergency.

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

6 **Sec. 1.** RCW 42.56.250 and 2020 c 106 s 1 are each amended to  
7 read as follows:

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

10 ~~((1))~~ (a) Test questions, scoring keys, and other examination  
11 data used to administer a license, employment, or academic  
12 examination;

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

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

20 ~~((4))~~ (d) The following information held by any public agency  
21 in personnel records, public employment related records, volunteer

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

14 ~~((5))~~ (e) Information that identifies a person who, while an  
15 agency employee: ~~((a))~~ (i) Seeks advice, under an informal process  
16 established by the employing agency, in order to ascertain his or her  
17 rights in connection with a possible unfair practice under chapter  
18 49.60 RCW against the person; and ~~((b))~~ (ii) requests his or her  
19 identity or any identifying information not be disclosed;

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

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

36 ~~((8))~~ (h) Photographs and month and year of birth in the  
37 personnel files of employees or volunteers of a public agency,  
38 including employees and workers of criminal justice agencies as  
39 defined in RCW 10.97.030. The news media, as defined in RCW  
40 5.68.010(5), shall have access to the photographs and full date of

1 birth. For the purposes of this subsection, news media does not  
2 include any person or organization of persons in the custody of a  
3 criminal justice agency as defined in RCW 10.97.030;

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

12 (A) A sworn statement, signed under penalty of perjury to the  
13 employing agency that the employee or a dependent of the employee is  
14 a survivor of domestic violence as defined in RCW 10.99.020 or  
15 7.105.010, sexual assault as defined in RCW 70.125.030 or sexual  
16 abuse as defined in RCW 7.105.010, stalking as described in RCW  
17 9A.46.110 or defined in RCW 7.105.010, or harassment as described in  
18 RCW 9A.46.020 or defined in RCW 7.105.010, and that the employee has  
19 a reasonable basis to believe that the risk of domestic violence,  
20 sexual assault, sexual abuse, stalking, or harassment continues to  
21 exist. An sworn statement under this subsection expires after two  
22 years, but may be subsequently renewed by providing a new sworn  
23 statement to the employee's employing agency; or

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

27 (ii) Any documentation maintained by an agency to administer this  
28 subsection (1)(i) is exempt from disclosure under this chapter and is  
29 confidential and may not be disclosed. Agencies may provide  
30 information to their employees on how to submit a request to  
31 anonymize their work email address.

32 (iii) The following definitions apply to this subsection (1)(i):

33 (A) "Employee" means a state agency employee or an employee of a  
34 public school serving any of grades kindergarten through 12.

35 (B) "Agency" means a state agency or a public school serving any  
36 of grades kindergarten through 12;

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

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

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

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

19       (a) The date of the request;

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

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

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

26       NEW SECTION.   **Sec. 2.** This act is necessary for the immediate  
27 preservation of the public peace, health, or safety, or support of  
28 the state government and its existing public institutions, and takes  
29 effect immediately.

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