
SENATE BILL 5746

State of Washington

68th Legislature

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By Senators Trudeau, Kuderer, Valdez, and C. Wilson

Read first time 02/16/23. Referred to Committee on State Government & Elections.

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) Any agency employee's name provided in connection
5 with the employee's birthdate, job title, addresses of work stations
6 and locations, work email address, work phone number, bargaining
7 unit, or any other information held by the employing agency that
8 could be used to determine the exact work location of the employee,
9 if the employee has provided a sworn statement, signed under penalty
10 of perjury, to the employing agency that the employee or the
11 employee's dependent are a survivor of domestic violence as defined
12 in RCW 10.99.020, sexual assault as defined in RCW 70.125.030,
13 stalking as described in RCW 9A.46.110, or harassment as described in
14 RCW 9A.46.020. Any documentation maintained by the employing agency
15 to administer this subsection is exempt from disclosure under this
16 chapter, and is confidential and may not be disclosed;

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

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

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

33 ~~((12))~~ (2) Upon receipt of a request for information located
34 exclusively in an employee's personnel, payroll, supervisor, or
35 training file, the agency must provide notice to the employee, to any
36 union representing the employee, and to the requestor. The notice
37 must state:

38 (a) The date of the request;

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

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

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

6 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of
8 the state government and its existing public institutions, and takes
9 effect immediately.

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