

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5127

68th Legislature
2023 Regular Session

Passed by the Senate March 1, 2023
Yeas 27 Nays 19

President of the Senate

Passed by the House April 10, 2023
Yeas 58 Nays 40

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5127** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5127

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By Senate State Government & Elections (originally sponsored by Senators C. Wilson, Lovelett, Hasegawa, Hunt, Kuderer, Nobles, Saldaña, Stanford, Van De Wege, and Wellman)

READ FIRST TIME 01/23/23.

1 AN ACT Relating to clarifying school districts' ability to redact
2 personal information related to a student in any record maintained by
3 the school district; amending RCW 42.56.230; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes the important
7 public interest in maintaining an open and transparent government and
8 the critically important role that our public records act plays in
9 ensuring the people of Washington have access to public records
10 maintained by state and local agencies with narrow exemptions. The
11 legislature recognizes that protecting the personal information of
12 our minor students is also of critical importance, especially when
13 disclosure of that personal information could potentially jeopardize
14 the physical or mental health and safety of a student. While current
15 state law also acknowledges the importance of protecting a student's
16 privacy by providing an exemption for personal information in records
17 maintained on a student's behalf, the legislature notes that there
18 have been instances where information has been released from records
19 held by schools that contains personal information about a student or
20 related to a student and the release allows the student to be
21 identified. The legislature intends to provide additional clarity in

1 this narrow situation involving the disclosure of personal
2 information related to a student that may be found in a nonstudent
3 record. This clarity is intended to ensure school districts
4 understand that they have the ability to protect a student's privacy
5 and redact personal information related to a student regardless of
6 the type of record that the information is found in.

7 **Sec. 2.** RCW 42.56.230 and 2021 c 89 s 1 are each amended to read
8 as follows:

9 The following personal information is exempt from public
10 inspection and copying under this chapter:

11 (1) Personal information in any files maintained for students in
12 public schools, patients or clients of public institutions or public
13 health agencies, or welfare recipients;

14 (2)(a) Personal information:

15 (i) For a child enrolled in licensed child care in any files
16 maintained by the department of children, youth, and families;

17 (ii) For a child enrolled in a public or nonprofit program
18 serving or pertaining to children, adolescents, or students,
19 including but not limited to early learning or child care services,
20 parks and recreation programs, youth development programs, and after-
21 school programs;

22 (iii) For a student enrolled or previously enrolled in a local
23 education agency, in any records pertaining to the student, including
24 correspondence;

25 (iv) For the family members or guardians of a child who is
26 subject to the exemption under this subsection (2) if the family
27 member or guardian has the same last name as the child or if the
28 family member or guardian resides at the same address as the child
29 and disclosure of the family member's or guardian's information would
30 result in disclosure of the personal information exempted under
31 (a)(i) ~~((and (ii)))~~ through (iii) of this subsection; or

32 ~~((iv))~~ (v) For substitute caregivers who are licensed or
33 approved to provide overnight care of children by the department of
34 children, youth, and families.

35 (b) Emergency contact information under this subsection (2) may
36 be provided to appropriate authorities and medical personnel for the
37 purpose of treating the individual during an emergency situation;

1 (3) Personal information in files maintained for employees,
2 appointees, or elected officials of any public agency to the extent
3 that disclosure would violate their right to privacy;

4 (4) Information required of any taxpayer in connection with the
5 assessment or collection of any tax if the disclosure of the
6 information to other persons would: (a) Be prohibited to such persons
7 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
8 authorized under RCW 35.102.145; or (b) violate the taxpayer's right
9 to privacy or result in unfair competitive disadvantage to the
10 taxpayer;

11 (5) Credit card numbers, debit card numbers, electronic check
12 numbers, card expiration dates, or bank or other financial
13 information as defined in RCW 9.35.005 including social security
14 numbers, except when disclosure is expressly required by or governed
15 by other law;

16 (6) Personal and financial information related to a small loan or
17 any system of authorizing a small loan in RCW 31.45.093;

18 (7)(a) Any record used to prove identity, age, residential
19 address, social security number, or other personal information
20 required to apply for a driver's license or identicard.

21 (b) Information provided under RCW 46.20.111 that indicates that
22 an applicant declined to register with the selective service system.

23 (c) Any record pertaining to a vehicle license plate, driver's
24 license, or identicard issued under RCW 46.08.066 that, alone or in
25 combination with any other records, may reveal the identity of an
26 individual, or reveal that an individual is or was, performing an
27 undercover or covert law enforcement, confidential public health
28 work, public assistance fraud, or child support investigative
29 activity. This exemption does not prevent the release of the total
30 number of vehicle license plates, drivers' licenses, or identicards
31 that, under RCW 46.08.066, an agency or department has applied for,
32 been issued, denied, returned, destroyed, lost, and reported for
33 misuse.

34 (d) Any record pertaining to a vessel registration issued under
35 RCW 88.02.330 that, alone or in combination with any other records,
36 may reveal the identity of an individual, or reveal that an
37 individual is or was, performing an undercover or covert law
38 enforcement activity. This exemption does not prevent the release of
39 the total number of vessel registrations that, under RCW 88.02.330,

1 an agency or department has applied for, been issued, denied,
2 returned, destroyed, lost, and reported for misuse.

3 Upon request by the legislature, the department of licensing
4 shall provide a report to the legislature containing all of the
5 information in (c) of this subsection (7) and this subsection (7)(d)
6 that is subject to public disclosure;

7 (8) All information related to individual claim resolution
8 settlement agreements submitted to the board of industrial insurance
9 appeals under RCW 51.04.063, other than final orders from the board
10 of industrial insurance appeals. The board of industrial insurance
11 appeals shall provide to the department of labor and industries
12 copies of all final claim resolution settlement agreements;

13 (9) Voluntarily submitted information contained in a database
14 that is part of or associated with (~~enhanced~~) 911 emergency
15 communications systems, or information contained or used in emergency
16 notification systems as provided under RCW 38.52.575 and 38.52.577;

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

21 (11) All information submitted by a person to the state, either
22 directly or through a state-licensed gambling establishment, or
23 Indian tribes, or tribal enterprises that own gambling operations or
24 facilities with class III gaming compacts, as part of the self-
25 exclusion program established in RCW 9.46.071 or 67.70.040 for people
26 with a gambling problem or gambling disorder; and

27 (12) Names, addresses, or other personal information of
28 individuals who participated in the bump-fire stock buy-back program
29 under former RCW 43.43.920.

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