

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1533

Chapter 458, Laws of 2023

68th Legislature
2023 Regular Session

PERSONAL INFORMATION OF CERTAIN PUBLIC EMPLOYEES—PUBLIC RECORDS ACT
EXEMPTION

EFFECTIVE DATE: May 15, 2023

Passed by the House April 19, 2023
Yeas 57 Nays 41

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 7, 2023
Yeas 48 Nays 0

DENNY HECK

President of the Senate

Approved May 15, 2023 2:57 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1533** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 16, 2023

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1533

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

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; creating a new section; providing an
5 expiration date; and declaring an emergency.

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

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

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

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

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

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

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

16 (~~(5)~~) (e) Information that identifies a person who, while an
17 agency employee: (~~(a)~~) (i) Seeks advice, under an informal process
18 established by the employing agency, in order to ascertain his or her
19 rights in connection with a possible unfair practice under chapter
20 49.60 RCW against the person; and (~~(b)~~) (ii) requests his or her
21 identity or any identifying information not be disclosed;

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

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

38 (~~(8)~~) (h) Photographs and month and year of birth in the
39 personnel files of employees or volunteers of a public agency,
40 including employees and workers of criminal justice agencies as

1 defined in RCW 10.97.030. The news media, as defined in RCW
2 5.68.010(5), shall have access to the photographs and full date of
3 birth. For the purposes of this subsection, news media does not
4 include any person or organization of persons in the custody of a
5 criminal justice agency as defined in RCW 10.97.030;

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

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

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

31 (ii) Any documentation maintained by an agency to administer this
32 subsection (1)(i) is exempt from disclosure under this chapter and is
33 confidential and may not be disclosed without consent of the employee
34 who submitted the documentation. Agencies may provide information to
35 their employees on how to submit a request to anonymize their work
36 email address.

37 (iii) For purposes of this subsection (1)(i), "verified" means
38 that the director of the employing agency or director's designee
39 confirmed that the sworn statement identifies the alleged perpetrator
40 or perpetrators by name and, if possible, image or likeness, or that

1 the director or designee obtained from the employee a police report,
2 protection order petition, or other documentation of allegations
3 related to the domestic violence, sexual assault or abuse, stalking,
4 or harassment.

5 (iv) The exemption in this subsection (1)(i) does not apply to
6 public records requests from the news media as defined in RCW
7 5.68.010(5);

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

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

15 ~~((+11))~~ (l) Voluntarily submitted information collected and
16 maintained by a state agency or higher education institution that
17 identifies an individual state employee's personal demographic
18 details. "Personal demographic details" means race or ethnicity,
19 sexual orientation as defined by RCW 49.60.040~~((+26))~~ (27),
20 immigration status, national origin, or status as a person with a
21 disability. This exemption does not prevent the release of state
22 employee demographic information in a deidentified or aggregate
23 format.

24 ~~((+12))~~ (2) Upon receipt of a request for information located
25 exclusively in an employee's personnel, payroll, supervisor, or
26 training file, the agency must provide notice to the employee, to any
27 union representing the employee, and to the requestor. The notice
28 must state:

29 (a) The date of the request;

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

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

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

36 NEW SECTION. Sec. 2. (1) By May 1, 2025, the joint legislative
37 audit and review committee must analyze the impacts of section 1 of
38 this act and must submit a report summarizing its analysis to the
39 legislature. In preparing the report, the joint legislative audit and

1 review committee must consult survivors with direct lived experience
2 of domestic violence, sexual assault or abuse, stalking, or
3 harassment. The report must include, at a minimum:

4 (a) Whether the exemption created in section 1 of this act, and
5 exceptions to the exemption, effectively protects public employees
6 and dependents who are survivors of domestic violence, sexual assault
7 or abuse, stalking, or harassment by protecting their personal
8 information while maintaining public transparency and oversight of
9 governmental operations; and

10 (b) Whether the exemption created in section 1 of this act, and
11 exceptions to the exemption, should be maintained or modified to
12 ensure the protection of public employees and dependents who are
13 survivors of domestic violence, sexual assault or abuse, stalking, or
14 harassment by protecting their personal information while maintaining
15 public transparency and oversight of governmental operations.

16 (2) This section expires June 30, 2025.

17 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of
19 the state government and its existing public institutions, and takes
20 effect immediately.

Passed by the House April 19, 2023.

Passed by the Senate April 7, 2023.

Approved by the Governor May 15, 2023.

Filed in Office of Secretary of State May 16, 2023.

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