

CERTIFICATION OF ENROLLMENT

SENATE BILL 5421

Chapter 45, Laws of 2023

68th Legislature
2023 Regular Session

HEALTH BENEFIT ENROLLMENT INFORMATION—PUBLIC RECORDS ACT EXEMPTION

EFFECTIVE DATE: July 23, 2023

Passed by the Senate February 15,
2023

Yeas 49 Nays 0

DENNY HECK

President of the Senate

Passed by the House March 24, 2023

Yeas 94 Nays 2

LURIE JINKINS

**Speaker of the House of
Representatives**

Approved April 6, 2023 10:00 AM

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5421** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

April 6, 2023

JAY INSLEE

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 5421

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

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By Senators Conway and Van De Wege

Read first time 01/17/23. Referred to Committee on State Government & Elections.

1 AN ACT Relating to exempting benefit enrollment information
2 collected and maintained by the health care authority from public
3 inspection and copying under the public records act; and amending RCW
4 42.56.250.

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 (1)(d), "employees" includes independent provider home care workers
13 as 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 (1)(h), news media does
2 not 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) The global positioning system data that would
5 indicate the location of the residence of a public employee or
6 volunteer using the global positioning system recording device;

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

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

20 (l) Benefit enrollment information collected and maintained by
21 the health care authority through its authority as director of the
22 public employees' benefits board and school employees' benefits board
23 programs as authorized by chapter 41.05 RCW. This subsection (1)(l)
24 does not prevent the release of benefit enrollment information in a
25 deidentified or aggregate format. "Benefit enrollment information"
26 means:

27 (i) Information listed in (d) of this subsection;

28 (ii) Personal demographic details as defined in (k) of this
29 subsection;

30 (iii) Benefit elections;

31 (iv) Date of birth;

32 (v) Documents provided for verification of dependency, such as
33 tax returns or marriage or birth certificates;

34 (vi) Marital status;

35 (vii) Primary language spoken;

36 (viii) Tobacco use status; and

37 (ix) Tribal affiliation.

38 ~~((12))~~ (2) Upon receipt of a request for information located
39 exclusively in an employee's personnel, payroll, supervisor, or
40 training file, the agency must provide notice to the employee, to any

1 union representing the employee, and to the requestor. The notice
2 must state:

3 (a) The date of the request;

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

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

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

Passed by the Senate February 15, 2023.

Passed by the House March 24, 2023.

Approved by the Governor April 6, 2023.

Filed in Office of Secretary of State April 6, 2023.

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