HOUSE BILL REPORT
SSB 6049

As Reported by House Committee On:
State Government & Tribal Relations

Title: An act relating to protecting student and employee information from public disclosure.

Brief Description: Protecting student and employee information from public disclosure.

Sponsors: Senate Committee on State Government, Tribal Affairs & Elections (originally sponsored by Senators Wilson, C., Frame, Nobles and Wellman; by request of Office of Financial Management).

Brief History:
Committee Activity:
State Government & Tribal Relations: 2/24/26, 2/25/26 [DP].

Brief Summary of Substitute Bill

- Exempts from public disclosure under the Public Records Act personally identifying information of agency employees who are survivors of a hate crime; state agency employee responses to surveys administered for purposes of engagement and improving state government; and individual student responses to the Healthy Youth Survey.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass. Signed by 5 members: Representatives Mena, Chair; Stearns, Vice Chair; Waters, Ranking Minority Member; Doglio and Farivar.

Minority Report: Do not pass. Signed by 2 members: Representatives Walsh, Assistant Ranking Minority Member; Chase.

Staff: Desiree Omli (786-7105).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

Public Records Act.
Generally. The Public Records Act (PRA), enacted in 1972 as part of Initiative 276, requires that all state and local government agencies make all public records available for public inspection and copying unless certain statutory exemptions apply. Specific references in the PRA and other statutes remove certain information from application of the PRA, provide exceptions to the public disclosure and copying of certain information, or designate certain information as confidential. The provisions requiring public records disclosure must be interpreted liberally while the exemptions are interpreted narrowly to effectuate the general policy favoring disclosure.

Exempt Employment Information—Survivor of Crimes. Under the PRA, an agency employee's name and other personally identifying information such as birthdate, job title, addresses of work stations and locations, work email address, work phone number, or bargaining unit, maintained by an agency in personnel-related records or systems, are exempt from disclosure if the employee provides their employing agency with a sworn statement under penalty of perjury that they are, or a dependent is, a survivor of domestic violence, sexual assault, sexual abuse, stalking, or harassment.

Exempt Employment Information—Voluntarily Submitted Demographic Details. Voluntarily submitted information collected and maintained by a state agency or higher education institution that identifies an individual state employee's personal demographic details is exempt from disclosure under the PRA. Personal demographic details include race or ethnicity, sexual orientation, immigration status, national origin, or status as a person with a disability. However, state employee demographic information in a deidentified or aggregate format is not exempt.

Healthy Youth Survey.
The Washington State Healthy Youth Survey (HYS) is a voluntary biennial survey administered to sixth through twelfth grade students by the Health Care Authority in collaboration with the Office of Superintendent of Public Instruction, Department of Health (DOH), Department of Commerce, Family Policy Council, and Liquor and Cannabis Board. The HYS measures health risk behaviors that contribute to health, injury, illness, and social problems among youth in the state. Questions included in the HYS pertain to topics such as academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Responses are anonymous and individual participant-level responses are combined and summarized in aggregate reports that are made available to superintendents and principals. Datasets with individual, participant-level responses are made available upon request to approved data users, such as local health departments and researchers, through a data sharing agreement process

managed by the DOH.

The survey produces estimates of the prevalence of major adolescent health risk behaviors, is used to identify and monitor factors that affect the health of youth in the state, can be used to examine various health trends, and provides needs assessment data to inform resource and policy decisions.

Summary of Bill:

Exempt Employment Information.
Survivor of Crimes. The PRA exemption pertaining to agency employees who are survivors of domestic violence, sexual assault, sexual abuse, stalking, or harassment is expanded to exempt an agency employee's name or other personally identifying information from public disclosure if the employee provides a sworn statement to their employer attesting that they or their dependent is a survivor of a hate crime.

Voluntarily Submitted Demographic Details and Survey Responses. For purposes of voluntarily submitted demographic details, circumstances when such data is not exempt under the PRA are expanded to include when the information is anonymized.

A new exemption is added to the PRA to exempt from public disclosure individual survey responses voluntarily provided by a state employee, vendor, or contractor in response to a voluntary survey administered by or on behalf of a public agency for the purpose of engagement and improving state government. Survey information that is deidentified, anonymized, or aggregated is not exempt.

Data is considered "aggregated" when data is combined from many individuals and reported in a summary form such that individual-level information is not disclosed. "Anonymized" data is processed so that an individual can no longer be identified directly or indirectly by any party, making reidentification effectively impossible. "Deidentified" data is data that has been stripped of personal identifiers or redacted so that it cannot reasonably be linked to a specific individual.

Healthy Youth Survey.
Records containing individual student responses to the Healthy Youth Survey are exempt from public inspection and copying under the PRA.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains multiple effective dates. Please see the bill.

Staff Summary of Public Testimony:

(In support) This bill allows agencies to responsibly gather the information they need to improve the delivery of public services and, in the case of schools, to understand what is going on with young Washingtonians. The bill also protects employees and students from modern reidentification risks. Lastly, the bill preserves public transparency by still continuing to allow the release of deidentified and aggregated data.

(Opposed) The PRA states that the people do not give the government the right to decide what is good for the people to know and what is not good for them to know. In adopting the PRA, the people insisted on remaining informed so that they can maintain control over the instruments that they have created. Despite this, over 700 exemptions to disclosure now exist and the Legislature keeps adding more. At this point, there needs to be a bipartisan shared purpose of what the PRA should be, and the exemptions should conform to that shared purpose.

Persons Testifying: (In support) Sheri Sawyer, Office of Financial Management.

(Opposed) Joe Kunzler.

Persons Signed In To Testify But Not Testifying: None.