CERTIFICATION OF ENROLLMENT

HOUSE BILL 1934

Chapter 283, Laws of 2025

69th Legislature
2025 Regular Session

PUBLIC RECORDS ACT EXEMPTION—EMPLOYMENT INVESTIGATIONS—MODIFICATION

EFFECTIVE DATE: July 27, 2025

Passed by the House April 22, 2025
Yeas 92 Nays 5

LAURIE JINKINS

Speaker of the House of Representatives

Passed by the Senate April 8, 2025
Yeas 48 Nays 1

DENNY HECK

President of the Senate

Approved May 15, 2025 1:47 PM

BOB FERGUSON

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 **HOUSE BILL 1934** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 19, 2025

Secretary of State
State of Washington

HOUSE BILL 1934

AS AMENDED BY THE SENATE

Passed Legislature - 2025 Regular Session

State of Washington 69th Legislature 2025 Regular Session

By Representatives Chase, Doglio, and Schmidt

Read first time 02/11/25. Referred to Committee on State Government & Tribal Relations.

AN ACT Relating to the disclosure of information pertaining to complainants, accusers, and witnesses in an employment investigation; and reenacting and amending RCW 42.56.250.

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

Sec. 1. RCW 42.56.250 and 2023 c 458 s 1, 2023 c 361 s 15, and 2023 c 45 s 1 are each reenacted and amended to read as follows:

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

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

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

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

(d) The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone

numbers, personal wireless telephone numbers, personal email addresses, social security numbers, driver's license numbers, identicard numbers, payroll deductions including the amount and identification of the deduction, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency. For purposes of this subsection (1)(d), "employees" includes independent provider home care workers as defined in RCW 74.39A.240;

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

(f) ((~~Investigative~~)) (i) Except as provided in (f)(ii) of this subsection, investigative records compiled by an employing agency in connection with an investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws or an employing agency's internal policies prohibiting discrimination or harassment in employment. Records are exempt in their entirety while the investigation is active and ongoing. After the agency has notified the complaining employee of the outcome of the investigation, the records may be disclosed only if the names, images, employee agency job titles, email addresses, and phone numbers of complainants, other accusers, and witnesses are redacted and their voices on any audio recording taken during the course of the investigation have been altered while retaining inflection and tone, ((~~unless~~)) except to the extent that such a complainant, other accuser, or witness has consented to the disclosure of ((~~his or her name~~)) such information. The employing agency must inform a complainant, other accuser, or witness that his or her name, image, agency job title, email address, and phone number will be redacted from the investigation records and their voice on any audio recording taken during the course of the investigation will be altered in accordance with this subsection unless he or she consents to disclosure;

(ii) After the investigation is complete and the complainant has been notified of the outcome of the investigation, if an elected government official is a complainant, the name and title of such elected government official shall not be redacted from the investigatory records;

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

(h) Photographs and month and year of birth in the personnel files of employees or volunteers of a public agency, including employees and workers of criminal justice agencies as defined in RCW 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth. For the purposes of this subsection (1)(h), news media does not include any person or organization of persons in the custody of a criminal justice agency as defined in RCW 10.97.030;

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

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

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

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

(iii) For purposes of this subsection (1)(i), "verified" means that the director of the employing agency or director's designee confirmed that the sworn statement identifies the alleged perpetrator or perpetrators by name and, if possible, image or likeness, or that the director or designee obtained from the employee a police report, protection order petition, or other documentation of allegations related to the domestic violence, sexual assault or abuse, stalking, or harassment.

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

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

(k) Information relating to a future voter, as provided in RCW 29A.08.725;

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

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

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

(ii) Personal demographic details as defined in (l) of this subsection;

(iii) Benefit elections;

(iv) Date of birth;

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

(vi) Marital status;

(vii) Primary language spoken;

(viii) Tobacco use status; and

(ix) Tribal affiliation.

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

(a) The date of the request;

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

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

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

Passed by the House April 22, 2025.
Passed by the Senate April 8, 2025.
Approved by the Governor May 15, 2025.
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