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HOUSE BILL 1068

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State of Washington

67th Legislature

2021 Regular Session

By Representatives Dolan and Valdez

Prefiled 01/04/21.

1 AN ACT Relating to exempting election security information from  
2 public records disclosure; amending RCW 42.56.420; creating a new  
3 section; and declaring an emergency.

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

5 **Sec. 1.** RCW 42.56.420 and 2017 c 149 s 1 are each amended to  
6 read as follows:

7 The following information relating to security is exempt from  
8 disclosure under this chapter:

9 (1) Those portions of records assembled, prepared, or maintained  
10 to prevent, mitigate, or respond to criminal terrorist acts, which  
11 are acts that significantly disrupt the conduct of government or of  
12 the general civilian population of the state or the United States and  
13 that manifest an extreme indifference to human life, the public  
14 disclosure of which would have a substantial likelihood of  
15 threatening public safety, consisting of:

16 (a) Specific and unique vulnerability assessments or specific and  
17 unique response or deployment plans, including compiled underlying  
18 data collected in preparation of or essential to the assessments, or  
19 to the response or deployment plans; and

20 (b) Records not subject to public disclosure under federal law  
21 that are shared by federal or international agencies, and information

1 prepared from national security briefings provided to state or local  
2 government officials related to domestic preparedness for acts of  
3 terrorism;

4 (2) Those portions of records containing specific and unique  
5 vulnerability assessments or specific and unique emergency and escape  
6 response plans at a city, county, or state adult or juvenile  
7 correctional facility, or secure facility for persons civilly  
8 confined under chapter 71.09 RCW, the public disclosure of which  
9 would have a substantial likelihood of threatening the security of a  
10 city, county, or state adult or juvenile correctional facility,  
11 secure facility for persons civilly confined under chapter 71.09 RCW,  
12 or any individual's safety;

13 (3) Information compiled by school districts or schools in the  
14 development of their comprehensive safe school plans under RCW  
15 28A.320.125, to the extent that they identify specific  
16 vulnerabilities of school districts and each individual school;

17 (4) Information regarding the public and private infrastructure  
18 and security of computer and telecommunications networks, consisting  
19 of security passwords, security access codes and programs, access  
20 codes for secure software applications, security and service recovery  
21 plans, security risk assessments in their entirety, and security test  
22 results to the extent that they identify specific system  
23 vulnerabilities, and other such information the release of which may  
24 increase risk to the confidentiality, integrity, or availability of  
25 security, information technology infrastructure, or assets;

26 (5) The system security and emergency preparedness plan required  
27 under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170,  
28 and 81.112.180; (~~and~~)

29 (6) Personally identifiable information of employees, and other  
30 security information, of a private cloud service provider that has  
31 entered into a criminal justice information services agreement as  
32 contemplated by the United States department of justice criminal  
33 justice information services security policy, as authorized by 28  
34 C.F.R. Part 20;

35 (7) The continuity of operations plan for election operations,  
36 and any security audits, security risk assessments, or security test  
37 results relating to physical security or cybersecurity of election  
38 operations or infrastructure. These records are exempt from  
39 disclosure in their entirety; and

1       (8) Those portions of records containing information about  
2 election infrastructure, election security, or potential threats to  
3 election security, the public disclosure of which may increase risk  
4 to the integrity of election operations or infrastructure.

5       NEW SECTION. Sec. 2. The exemptions in this act apply to any  
6 public records requests made prior to the effective date of this  
7 section for which the disclosure of records has not already occurred.

8       NEW SECTION. Sec. 3. This act is necessary for the immediate  
9 preservation of the public peace, health, or safety, or support of  
10 the state government and its existing public institutions, and takes  
11 effect immediately.

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