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**SUBSTITUTE HOUSE BILL 1068**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** House State Government & Tribal Relations (originally sponsored by Representatives Dolan, Valdez, Kloba, Gregerson, and Wylie)

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, and security test results to the  
22 extent that they identify specific system vulnerabilities, and other  
23 such information the release of which may increase risk to the  
24 confidentiality, integrity, or availability of security, information  
25 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; and

35 (7) In addition to the information in subsection (4) of this  
36 section, the following related to election security:

37 (a)(i) The continuity of operations plan for election operations  
38 and any security audits, security risk assessments, or security test  
39 results, relating to physical security or cybersecurity of election

1 operations or infrastructure. These records are exempt from  
2 disclosure in their entirety; and

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

7 (b) The exemptions specified in (a) of this subsection do not  
8 include information or records pertaining to security breaches,  
9 except as prohibited from disclosure pursuant to RCW 29A.12.200.

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

13 NEW SECTION. Sec. 3. This act is necessary for the immediate  
14 preservation of the public peace, health, or safety, or support of  
15 the state government and its existing public institutions, and takes  
16 effect immediately.

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