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**SUBSTITUTE SENATE BILL 5127**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senate State Government & Elections (originally sponsored by Senators C. Wilson, Lovelett, Hasegawa, Hunt, Kuderer, Nobles, Saldaña, Stanford, Van De Wege, and Wellman)

1 AN ACT Relating to clarifying school districts' ability to redact  
2 personal information related to a student in any record maintained by  
3 the school district; amending RCW 42.56.230; and creating a new  
4 section.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes the important  
7 public interest in maintaining an open and transparent government and  
8 the critically important role that our public records act plays in  
9 ensuring the people of Washington have access to public records  
10 maintained by state and local agencies with narrow exemptions. The  
11 legislature recognizes that protecting the personal information of  
12 our minor students is also of critical importance, especially when  
13 disclosure of that personal information could potentially jeopardize  
14 the physical or mental health and safety of a student. While current  
15 state law also acknowledges the importance of protecting a student's  
16 privacy by providing an exemption for personal information in records  
17 maintained on a student's behalf, the legislature notes that there  
18 have been instances where information has been released from records  
19 held by schools that contains personal information about a student or  
20 related to a student and the release allows the student to be  
21 identified. The legislature intends to provide additional clarity in

1 this narrow situation involving the disclosure of personal  
2 information related to a student that may be found in a nonstudent  
3 record. This clarity is intended to ensure school districts  
4 understand that they have the ability to protect a student's privacy  
5 and redact personal information related to a student regardless of  
6 the type of record that the information is found in.

7 **Sec. 2.** RCW 42.56.230 and 2021 c 89 s 1 are each amended to read  
8 as follows:

9 The following personal information is exempt from public  
10 inspection and copying under this chapter:

11 (1) Personal information in any files maintained for students in  
12 public schools, patients or clients of public institutions or public  
13 health agencies, or welfare recipients;

14 (2)(a) Personal information:

15 (i) For a child enrolled in licensed child care in any files  
16 maintained by the department of children, youth, and families;

17 (ii) For a child enrolled in a public or nonprofit program  
18 serving or pertaining to children, adolescents, or students,  
19 including but not limited to early learning or child care services,  
20 parks and recreation programs, youth development programs, and after-  
21 school programs;

22 (iii) For a student enrolled or previously enrolled in a local  
23 education agency, in any records pertaining to the student, including  
24 correspondence;

25 (iv) For the family members or guardians of a child who is  
26 subject to the exemption under this subsection (2) if the family  
27 member or guardian has the same last name as the child or if the  
28 family member or guardian resides at the same address as the child  
29 and disclosure of the family member's or guardian's information would  
30 result in disclosure of the personal information exempted under  
31 (a)(i) ~~((and (ii)))~~ through (iii) of this subsection; or

32 ~~((iv))~~ (v) For substitute caregivers who are licensed or  
33 approved to provide overnight care of children by the department of  
34 children, youth, and families.

35 (b) Emergency contact information under this subsection (2) may  
36 be provided to appropriate authorities and medical personnel for the  
37 purpose of treating the individual during an emergency situation;

1 (3) Personal information in files maintained for employees,  
2 appointees, or elected officials of any public agency to the extent  
3 that disclosure would violate their right to privacy;

4 (4) Information required of any taxpayer in connection with the  
5 assessment or collection of any tax if the disclosure of the  
6 information to other persons would: (a) Be prohibited to such persons  
7 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance  
8 authorized under RCW 35.102.145; or (b) violate the taxpayer's right  
9 to privacy or result in unfair competitive disadvantage to the  
10 taxpayer;

11 (5) Credit card numbers, debit card numbers, electronic check  
12 numbers, card expiration dates, or bank or other financial  
13 information as defined in RCW 9.35.005 including social security  
14 numbers, except when disclosure is expressly required by or governed  
15 by other law;

16 (6) Personal and financial information related to a small loan or  
17 any system of authorizing a small loan in RCW 31.45.093;

18 (7)(a) Any record used to prove identity, age, residential  
19 address, social security number, or other personal information  
20 required to apply for a driver's license or identicard.

21 (b) Information provided under RCW 46.20.111 that indicates that  
22 an applicant declined to register with the selective service system.

23 (c) Any record pertaining to a vehicle license plate, driver's  
24 license, or identicard issued under RCW 46.08.066 that, alone or in  
25 combination with any other records, may reveal the identity of an  
26 individual, or reveal that an individual is or was, performing an  
27 undercover or covert law enforcement, confidential public health  
28 work, public assistance fraud, or child support investigative  
29 activity. This exemption does not prevent the release of the total  
30 number of vehicle license plates, drivers' licenses, or identicards  
31 that, under RCW 46.08.066, an agency or department has applied for,  
32 been issued, denied, returned, destroyed, lost, and reported for  
33 misuse.

34 (d) Any record pertaining to a vessel registration issued under  
35 RCW 88.02.330 that, alone or in combination with any other records,  
36 may reveal the identity of an individual, or reveal that an  
37 individual is or was, performing an undercover or covert law  
38 enforcement activity. This exemption does not prevent the release of  
39 the total number of vessel registrations that, under RCW 88.02.330,

1 an agency or department has applied for, been issued, denied,  
2 returned, destroyed, lost, and reported for misuse.

3 Upon request by the legislature, the department of licensing  
4 shall provide a report to the legislature containing all of the  
5 information in (c) of this subsection (7) and this subsection (7)(d)  
6 that is subject to public disclosure;

7 (8) All information related to individual claim resolution  
8 settlement agreements submitted to the board of industrial insurance  
9 appeals under RCW 51.04.063, other than final orders from the board  
10 of industrial insurance appeals. The board of industrial insurance  
11 appeals shall provide to the department of labor and industries  
12 copies of all final claim resolution settlement agreements;

13 (9) Voluntarily submitted information contained in a database  
14 that is part of or associated with ((enhanced)) 911 emergency  
15 communications systems, or information contained or used in emergency  
16 notification systems as provided under RCW 38.52.575 and 38.52.577;

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

21 (11) All information submitted by a person to the state, either  
22 directly or through a state-licensed gambling establishment, or  
23 Indian tribes, or tribal enterprises that own gambling operations or  
24 facilities with class III gaming compacts, as part of the self-  
25 exclusion program established in RCW 9.46.071 or 67.70.040 for people  
26 with a gambling problem or gambling disorder; and

27 (12) Names, addresses, or other personal information of  
28 individuals who participated in the bump-fire stock buy-back program  
29 under former RCW 43.43.920.

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