
SENATE BILL 6666

State of Washington

66th Legislature

2020 Regular Session

By Senator Hunt

1 AN ACT Relating to protecting employee information from public
2 disclosure; and reenacting and amending RCW 42.56.230 and 42.56.250.

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

4 **Sec. 1.** RCW 42.56.230 and 2019 c 470 s 8, 2019 c 239 s 2, and
5 2019 c 213 s 2 are each reenacted and amended to read as follows:

6 The following personal information is exempt from public
7 inspection and copying under this chapter:

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

11 (2)(a) Personal information:

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

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

19 (iii) For the family members or guardians of a child who is
20 subject to the exemption under this subsection (2) if the family
21 member or guardian has the same last name as the child or if the

1 family member or guardian resides at the same address as the child
2 and disclosure of the family member's or guardian's information would
3 result in disclosure of the personal information exempted under
4 (a)(i) and (ii) of this subsection; or

5 (iv) For substitute caregivers who are licensed or approved to
6 provide overnight care of children by the department of children,
7 youth, and families.

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

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

14 (b) Upon receipt of a request for personal information or records
15 containing personal information of an employee, the agency must
16 provide notice to the employee, to any union representing the
17 employee, and to the requestor. The notice must state:

18 (i) The date of the request;

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

20 (iii) The date on which the agency intends to release the record,
21 which must be at least ten days from the date the notice is mailed;
22 and

23 (iv) That the record will be released unless a court order is
24 obtained before the intended release date enjoining release under RCW
25 42.56.540;

26 (4) Information required of any taxpayer in connection with the
27 assessment or collection of any tax if the disclosure of the
28 information to other persons would: (a) Be prohibited to such persons
29 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
30 authorized under RCW 35.102.145; or (b) violate the taxpayer's right
31 to privacy or result in unfair competitive disadvantage to the
32 taxpayer;

33 (5) Credit card numbers, debit card numbers, electronic check
34 numbers, card expiration dates, or bank or other financial
35 information as defined in RCW 9.35.005 including social security
36 numbers, except when disclosure is expressly required by or governed
37 by other law;

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

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

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

6 (c) Any record pertaining to a vehicle license plate, driver's
7 license, or identicard issued under RCW 46.08.066 that, alone or in
8 combination with any other records, may reveal the identity of an
9 individual, or reveal that an individual is or was, performing an
10 undercover or covert law enforcement, confidential public health
11 work, public assistance fraud, or child support investigative
12 activity. This exemption does not prevent the release of the total
13 number of vehicle license plates, drivers' licenses, or identicards
14 that, under RCW 46.08.066, an agency or department has applied for,
15 been issued, denied, returned, destroyed, lost, and reported for
16 misuse.

17 (d) Any record pertaining to a vessel registration issued under
18 RCW 88.02.330 that, alone or in combination with any other records,
19 may reveal the identity of an individual, or reveal that an
20 individual is or was, performing an undercover or covert law
21 enforcement activity. This exemption does not prevent the release of
22 the total number of vessel registrations that, under RCW 88.02.330,
23 an agency or department has applied for, been issued, denied,
24 returned, destroyed, lost, and reported for misuse;

25 (8) All information related to individual claims resolution
26 structured settlement agreements submitted to the board of industrial
27 insurance appeals under RCW 51.04.063, other than final orders from
28 the board of industrial insurance appeals.

29 Upon request by the legislature, the department of licensing
30 shall provide a report to the legislature containing all of the
31 information in subsection (7) (c) and (d) of this section that is
32 subject to public disclosure;

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

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

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

7 (12) Names, addresses, or other personal information of
8 individuals who participated in the bump-fire stock buy-back program
9 under RCW 43.43.920.

10 **Sec. 2.** RCW 42.56.250 and 2019 c 349 s 2 and 2019 c 229 s 1 are
11 each reenacted and amended to read as follows:

12 The following employment and licensing information is exempt from
13 public inspection and copying under this chapter:

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

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

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

23 (4) The following information held by any public agency in
24 personnel records, public employment related records, volunteer
25 rosters, or included in any mailing list of employees or volunteers
26 of any public agency: (~~Residential~~) Dates of birth, residential
27 addresses, residential telephone numbers, personal wireless telephone
28 numbers, personal email addresses, social security numbers, driver's
29 license numbers, identicard numbers, payroll deductions including the
30 amount and identification of the deduction, and emergency contact
31 information of employees or volunteers of a public agency, and the
32 names, dates of birth, residential addresses, residential telephone
33 numbers, personal wireless telephone numbers, personal email
34 addresses, social security numbers, and emergency contact information
35 of dependents of employees or volunteers of a public agency. For
36 purposes of this subsection, "employees" includes independent
37 provider home care workers as defined in RCW 74.39A.240;

38 (5) Information that identifies a person who, while an agency
39 employee: (a) Seeks advice, under an informal process established by

1 the employing agency, in order to ascertain his or her rights in
2 connection with a possible unfair practice under chapter 49.60 RCW
3 against the person; and (b) requests his or her identity or any
4 identifying information not be disclosed;

5 (6) Investigative records compiled by an employing agency in
6 connection with an investigation of a possible unfair practice under
7 chapter 49.60 RCW or of a possible violation of other federal, state,
8 or local laws or an employing agency's internal policies prohibiting
9 discrimination or harassment in employment. Records are exempt in
10 their entirety while the investigation is active and ongoing. After
11 the agency has notified the complaining employee of the outcome of
12 the investigation, the records may be disclosed only if the names of
13 complainants, other accusers, and witnesses are redacted, unless a
14 complainant, other accuser, or witness has consented to the
15 disclosure of his or her name. The employing agency must inform a
16 complainant, other accuser, or witness that his or her name will be
17 redacted from the investigation records unless he or she consents to
18 disclosure;

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

21 (8) Photographs and month and year of birth in the personnel
22 files of employees and workers of criminal justice agencies as
23 defined in RCW 10.97.030. The news media, as defined in RCW
24 5.68.010(5), shall have access to the photographs and full date of
25 birth. For the purposes of this subsection, news media does not
26 include any person or organization of persons in the custody of a
27 criminal justice agency as defined in RCW 10.97.030;

28 (9) The global positioning system data that would indicate the
29 location of the residence of a public employee or volunteer using the
30 global positioning system recording device; and

31 (10) Until the person reaches eighteen years of age, information,
32 otherwise disclosable under chapter 29A.08 RCW, that relates to a
33 future voter, except for the purpose of processing and delivering
34 ballots.

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