COMMUNITY AND TECHNICAL COLLEGES
Washington State Board

APPLY EMPLOYEE DATA PROTECTION

Background

ESHB 1533 (RCW 42.56.250) "Exempting the disclosure of certain information of agency employees or their dependents who are survivors of domestic violence, sexual assault, harassment, or stalking", was signed into law on May 15, 2023.

The new law requires the exemption of personally identifying information in public records requests, with exception of news media as defined in RCW 7 5.68.010(5), of:

- Agency employees or their dependents who are survivors of domestic violence, sexual assault, harassment, or stalking if certain conditions are met
- Agency employees participating in the Address Confidentiality Program (ACP)
    - Requires the employee provide proof of participation in the ACP or a sworn statement that must be renewed every two years.

Colleges are responsible for distinguishing between those employees who meet the specific criteria of ESHB 1533 (RCW 42.56.250) from other uses of this redaction indicator. Any documentation maintained by an agency to administer the exemption is confidential and may not be disclosed.

For further guidance on implementation of ESHB 1533 (RCW 42.56.250), colleges should consult with their assigned counsel in the Attorney General's Office.

Implementation

ctcLink Support has opted to leverage an existing data element in HCM for this use. PeopleSoft comes delivered with a "Waive Data Protection" check box on the Update Personal Detail page.

To clarify the use of this check box, an Enhancement Request (#264) was submitted to and approved by the ctcLink Working Group in February 2024.

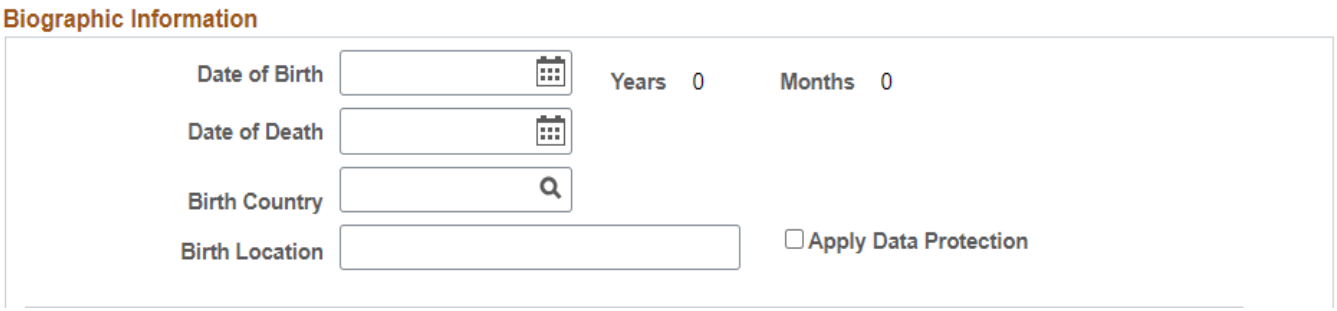
This Enhancement Request includes:

- Change the label of this check box from "Waive Data Protection" to "Apply Data Protection"
    - This change will clarify the intention of the information.
    - This change will also eliminate the need to check the box for all except those employees with an eligible exclusion as described in this document.
- Delete all existing data for this field so that the information can be entered based on the definition provided in this document.
    - Based on the numbers of employees that currently have the "Waive Data Protection" selected, it is clear that a standard definition is not being used and it would be more accurate and effective to clear the field and apply the selection to the specific employees covered under ESHB 1533.

- Applicable HCM PS Queries that includes the employee's name will be modified to include this field to indicate if the record should be redacted from a public records request.

Colleges are asked to update the Apply Data Protection check box for all applicable employees

Navigation = Workforce Administration > Personal Information > Biographical > Update Person Detail



Application of the Indicator

The use of the Apply Data Protection check-box indicates that the college should inquire further before releasing the employee's personally identifying information outside of the college.

All applicable ctcLink queries that include the employee's name, at a minimum, will include a flag to indicate that the Apply Data Protection check-box has been selected.

The Redaction Indicator should be used only under the following conditions:

- Employee has provided a sworn statement in accordance with RCW 42.56.250.
- Employee has provided proof of participation in the Secretary of State's Address Confidentiality Program (ACP) in accordance with RCW 42.56.250.
- Employee has otherwise been identified by the agency as being at risk due to stalking, harassment, or domestic violence.
- Employee is an undercover law enforcement officer.
- Employee is in a position that falls under Sensitive Security Information as defined in 49 C.F.R. 1520 (Washington State Department of Transportation Marine Division).

Employees who have been identified by the college as being at risk due to stalking, harassment, or domestic violence (third bullet above) should provide their college's HR Office appropriate documentation prior to receiving designation. The college is responsible for ensuring each instance where it uses the indicator is supported by sufficient documentation.

Please Note: The Apply Data Protection indicator is an indicator only and will not automatically redact records. The selection of the Apply Data Protection indicator does not mean an employee's information is categorically exempt under the Public Records Act. It is the college's responsibility to redact data from reports as necessary and as permitted by law. Use of the Apply Data Protection indicator indicates only that the college should inquire further before releasing identifying information about an employee. Each college will need to determine on a case by case basis what information, if any, may be released, depending on the type of data request and the employee's particular circumstances.

What data should be redacted from public records requests when Apply Data Protection is selected?

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

For further guidance on implementation of ESHB 1533 (RCW 42.56.250), colleges should consult with their assigned counsel in the Attorney General's Office.