HOUSE BILL 2293

State of Washington   **66th Legislature**   **2020 Regular Session**

By Representative Dolan

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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 would have a
4   substantial likelihood of increasing risk to the integrity of
5   election operations or infrastructure.

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

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

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