

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1613

Chapter 18, Laws of 2022

67th Legislature
2022 Regular Session

PAID FAMILY AND MEDICAL LEAVE AND LONG-TERM SERVICES AND SUPPORTS
TRUST PROGRAMS—DATA CONFIDENTIALITY

EFFECTIVE DATE: June 9, 2022

Passed by the House February 9, 2022
Yeas 86 Nays 9

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 2, 2022
Yeas 45 Nays 3

DENNY HECK

President of the Senate

Approved March 11, 2022 10:14 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1613** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 11, 2022

**Secretary of State
State of Washington**

HOUSE BILL 1613

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

By Representatives Sells, Berry, Ryu, Wicks, Taylor, Simmons, Kloba, and Harris-Talley; by request of Employment Security Department

Prefiled 12/07/21. Read first time 01/10/22. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to shared reporting responsibilities for both the
2 paid family and medical leave and the long-term services and supports
3 trust programs to clarify that information collected from employer
4 reports shall remain private; amending RCW 50A.25.070 and 50A.25.110;
5 and adding a new section to chapter 50B.04 RCW.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 50B.04
8 RCW to read as follows:

9 (1) Any information or records concerning an individual or
10 employer obtained by the employment security department for the
11 purposes of collecting and assessing employee premiums under RCW
12 50B.04.080 and determining qualified individuals under RCW 50B.04.050
13 will be considered private and confidential in the same manner
14 provided in chapter 50A.25 RCW.

15 (2) This section does not create a rule of evidence.

16 **Sec. 2.** RCW 50A.25.070 and 2020 c 125 s 8 are each amended to
17 read as follows:

18 (1) The department may enter into data-sharing contracts and may
19 disclose records and information deemed confidential to state or
20 local government agencies under this chapter only if permitted under

subsection (2) of this section and RCW 50A.25.090. A state or local government agency must need the records or information for an official purpose and must also provide:

(a) An application in writing to the department for the records or information containing a statement of the official purposes for which the state or local government agency needs the information or records and specifically identify the records or information sought from the department; and

(b) A written verification of the need for the specific information from the director, commissioner, chief executive, or other official of the requesting state or local government agency either on the application or on a separate document.

(2) The department may disclose information or records deemed confidential under this chapter to the following state or local government agencies:

(a) To the department of social and health services to identify child support obligations as defined in RCW 50A.15.080 and for the purposes of administering the department's responsibilities under Title 50B RCW;

(b) To the department of revenue to determine potential tax liability or employer compliance with registration and licensing requirements;

(c) To the department of labor and industries to compare records or information to detect improper or fraudulent claims;

(d) To the office of financial management for the purpose of conducting periodic salary or fringe benefit studies pursuant to law;

(e) To the office of the state treasurer and any financial or banking institutions deemed necessary by the office of the state treasurer and the department for the proper administration of funds;

(f) To the office of the attorney general for purposes of legal representation;

(g) To a county clerk for the purpose of RCW 9.94A.760 if requested by the county clerk's office;

(h) To the office of administrative hearings for the purpose of administering the administrative appeal process;

(i) To the department of enterprise services for the purpose of agency administration and operations; ~~((and))~~

(j) To the consolidated technology services agency for the purpose of enterprise technology support; and

1 (k) To the health care authority and the office of the state
2 actuary for the purposes of administering the department's
3 responsibilities under Title 50B RCW.

4 (3) The department may also enter into data-sharing agreements
5 with other state or local government agencies solely for the purposes
6 of program evaluation under this title or Title 50B RCW.

7 **Sec. 3.** RCW 50A.25.110 and 2019 c 13 s 80 are each amended to
8 read as follows:

9 The paid family and medical leave program of the department and
10 the long-term services and supports trust administering agencies may
11 disclose information or records deemed private and confidential under
12 this chapter to any private person or organization, and by extension,
13 the agents of any private person or organization, when the disclosure
14 is necessary to permit private contracting parties to assist in the
15 operation, management, and implementation of the program in instances
16 where certain departmental functions may be delegated to private
17 parties to increase the department's efficiency or quality of service
18 to the public. The private person or organization shall use the
19 information or records solely for the purpose for which the
20 information was disclosed and shall be bound by the same rules of
21 privacy and confidentiality as department employees.

Passed by the House February 9, 2022.
Passed by the Senate March 2, 2022.
Approved by the Governor March 11, 2022.
Filed in Office of Secretary of State March 11, 2022.

--- END ---