

Public Records Exemption for Survivors of Domestic Violence, Sexual Abuse, Stalking, or Harassment

PRELIMINARY REPORT | MAY 2025

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Legislative Auditor's conclusion:

State and local agencies use the survivor's exemption. More guidance would help ensure all at-risk employees receive intended protections.

Key points

1. The survivor's exemption makes some information about at-risk public employees exempt from disclosure. The Legislature passed it in 2023.
 2. Employees request and agencies use the exemption infrequently. Some at-risk employees may be unaware this exemption is available.
 3. Some protected employee data may be at greater risk of disclosure because agencies differ in how they implement the exemption and interpret statutory terms.
 4. Most agencies report the exemption gives affected employees added protections with minimal effect on public access to records.
 5. The Office of the Attorney General and other entities provide guidance about Public Records Act implementation.
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Executive summary

The Public Records Act (PRA) requires that all public records kept by state and local agencies be available to members of the public, except for records specifically exempt under the law.

Since the PRA was enacted, the Legislature has passed exemptions that allow agencies to withhold personal information of public employees. This includes, for example, home address, personal email addresses, social security numbers, and driver license numbers. These exemptions did not

Public Records ...



give special protections to public employees who are at continuing risk from domestic violence, sexual assault, sexual abuse, harassment, or stalking (at-risk employees). This led to concerns that they could be found through a public records request about their public employment.

In 2023, the Legislature added an exemption to protect the safety of at-risk public employees and their dependents. It is commonly known as the survivor's exemption. The law directs the Joint Legislative Audit and Review Committee (JLARC) to review the implementation of the survivor's exemption and recommend whether the Legislature should keep or change it.

The survivor's exemption makes certain information about at-risk public employees exempt from disclosure

The survivor's exemption:

- Requires the employee to certify that they or their dependent are at continuing risk of domestic violence, sexual assault, sexual abuse, harassment, or stalking.
- Allows agencies to withhold an employee's personally identifiable information that it keeps in either a personnel-related file or system or in a list that is subject to the PRA's commercial purpose prohibition.
- Protects information including an employee's name, birthdate, job title, work stations and locations, work email address, work phone number, bargaining unit, or "other similar information."
- Allows news media continued access to the information covered by the exemption.

Employees request and agencies use the exemption infrequently

Employees may ask for the exemption preemptively or when the agency receives a public records request. They must give their agency either a sworn statement explaining the need for the protection or proof that they are enrolled in the state's Address Confidentiality Program. Agencies verify and track employee requests for the exemption.

Agencies that have employees who ask for this exemption report that the employees are grateful for the added protection it provides. Use of the exemption to date, however, has been infrequent:

- Approximately 0.16% of state employees have asked their agency to protect their information under this exemption.
- 33 out of 103 state agencies have at least one employee requesting the exemption.
- 38 out of 353 non-state agencies that responded to a JLARC staff survey have at least one employee requesting the exemption.

Terms used in this report

JLARC staff divided public agencies into state and non-state agencies based on availability of data.

State agencies include:

- Agencies
- Boards
- Commissions

Non-state agencies include:

- Local governments.
- Special districts.
- K-12 education.
- Higher education.

At-risk employee

A public employee who is at continued risk of domestic violence, sexual assault, sexual abuse, harassment, or stalking.

- In interviews, 14 state agencies reported that 36 out of about 36,000 public records requests required redaction under this exemption.

Some at-risk employees may be unaware this exemption is available

Before an employee can use the protection of the exemption, they must first know it is available. Agencies have taken different approaches to alerting employees about the availability of this exemption. While some have notified staff through newsletters and training, others have opted to wait until they receive a public records request that asks for data covered by the exemption. The latter approach increases the risk that an employee may not have enough time to act before the agency discloses information.

The exemption protects "personally identifying" information in "personnel-related files and systems." Agencies differ on how they define these terms.

The exemption uses broad terms to define the data it protects. The statute specifies some employee data as "personally identifying" information. However, it also states that the term includes "other similar information." Some agencies protect additional information, such as an employee's work hours, while others do not.

Agencies also differ in what files and systems they consider to be "personnel-related." The level of protection provided by agencies to employee data under the exemption can vary depending on whether they define these terms broadly or narrowly.

Some protected employee data may be at greater risk of disclosure because agencies have implemented the exemption differently

Agency implementation varies. For example, some agencies report they conduct more rigorous verification of an employee's documentation of eligibility for the exemption. Others report that they had not considered the need to protect data that they pass on to an external agency. More than half (56%) had not adopted policies and procedures to implement the exemption. This variation can result in employees receiving more protection at some agencies than others.

While most agencies reported having positive views of the exemption, three agency staff expressed concern that it offers a false sense of security. They noted that employee data that is exempt when found in a personnel-related file or system may be disclosable when found in other systems or locations.

Agencies receive training and guidance from the Attorney General's Office and others about Public Records Act compliance

The Office of the Attorney General (AGO) is responsible by law for providing guidance, training, and technical assistance to public agencies that implement the PRA. It has model rules, and its open government office

Protected information includes but is not limited to:

- Name.
- Birthdate.
- Job title.
- Address of work stations and locations.
- Work email address and phone number.
- Bargaining unit.
- Other similar information.

RCW 42.56.250(1)(i)

provides PRA guidance and training to public agencies around the state. Often, this training includes a discussion of the survivor's exemption. It does not have stand-alone official guidance specific to this exemption that an agency might need when they are applying this exemption.

Other organizations, like the Municipal Research and Services Center (MRSC), also offer advice on public records and human resources issues. Like AGO, they include this exemption within their more general guidance.

However, no central source of leading practices has emerged since the implementation of the exemption. As a result, agencies are taking varied approaches. This variation could result in broader protections for employees at some agencies than others.

Survey respondents and interviewed agencies said that more guidance or access to leading practices would help them ensure they are implementing the law correctly and appropriately protecting at-risk employees.

Legislative Auditor's recommendations

1. The Legislature should keep the survivor's exemption.
2. The Office of the Attorney General should provide more guidance and training to public agencies on how to implement the exemption. In doing so, it should seek input from other organizations that advise public agencies about records and human resources issues.

You can find additional information in the [**Recommendations section**](#).