

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

PROPOSED FINAL REPORT | JULY 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.

AGO concurs with these recommendations. You can find additional information in the **Recommendations section**.

Part 1.

Survivor's exemption

Washington's Public Records Act (PRA) requires that public records kept by state and local agencies be disclosed upon request. The PRA applies to all 2,400 public agencies in Washington. This includes, for example, state agencies, local governments, special districts, schools, and colleges. These agencies range in size from zero to over 17,000 paid employees.

State law includes PRA exemptions that allow agencies to withhold specific information. Some protect information like residential addresses and personal phone numbers for all public employees.

The survivor's exemption provides added protection for at-risk public employees

In 2023, the Legislature passed the survivor's exemption (Engrossed Substitute House Bill 1533, RCW 42.56.250(1)(i)).

The exemption:

At-risk employee

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

- Aims to protect information about public employees who are at continuing risk of domestic violence, sexual assault, sexual abuse, harassment, or stalking. This report refers to these individuals as "at-risk employees."
- Allows public agencies to withhold personally identifying information that they keep in either personnel-related records or systems or lists subject to the PRA's commercial purpose prohibition. This 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.
- Allows news media continued access to the exempt information.
- Exempts from disclosure any of the documentation used to administer the exemption, including any documents submitted by the employee and kept by the agency.

- Took effect on May 15, 2023.

The law directs JLARC to review the implementation of the survivor's exemption and recommend whether the Legislature should keep or change the exemption.

Employees must ask the agency to protect their personal information

Employees may ask for the exemption preemptively or when the agency receives a public records request. They may request the protection of this exemption by providing one of the following to their agency:

- A sworn statement that they or their dependent is a victim of domestic violence, sexual assault or abuse, stalking, or harassment. The statement expires after two years.

or

- Proof that they are enrolled in the state's Address Confidentiality Program (ACP).

Employees may use their own **sworn statement**, but most agencies that JLARC staff interviewed develop and provide a template to their staff. The statement must:

- Explain why the employee or dependent has reason to believe the risk continues to exist.
- Be signed by the employee under penalty of perjury.
- Include either the perpetrator's name and picture (if available) or a copy of a police report, protection order petition, or other documentation of the abuse allegations.

The **Address Confidentiality Program** is not limited to public sector employees and is available to all Washingtonians. It offers a substitute, confidential mailing address to survivors of domestic violence, sexual assault, stalking, or trafficking who are a target for threats or harassment. The Legislature enacted the program in 1991 to prevent abusers from finding their victims through public records. State, county, and city agencies accept the address in lieu of a residential address. ACP participants must re-enroll every four years.

Agencies verify and track employee requests for the exemption

Each public agency must implement the exemption within their own organization. Among the 28 agencies interviewed for this report ([Appendix A](#)), the general processes were similar.

Most often, employees discuss their request with the human resources office. Some agencies make the sworn statement form available on the agency's intranet, which allows employees to submit the form without a meeting.

The agencies report that after the employee submits the required documents, they verify the sworn statement and add the employee to a list or tracking system. Some agencies use simple lists. Others use sophisticated systems like the state's Human Resources Management System (HRMS). When the agency receives a public records request for personnel-related information, the records officer consults the list to decide if they need to redact information.

Part 2.

Infrequent use

JLARC staff analyzed the extent to which employees and agencies use the exemption. This analysis focused on:

- The number of at-risk employees asking for the exemption, compared to the overall number of employees.
- The number of public agencies that have at least one employee currently protected by the exemption.
- The number of responses to public records requests that include redactions based on the survivor's exemption.

Exemption is new and information is limited

The survivor's exemption has been in place since May 2023, so information about use and outcomes is limited.

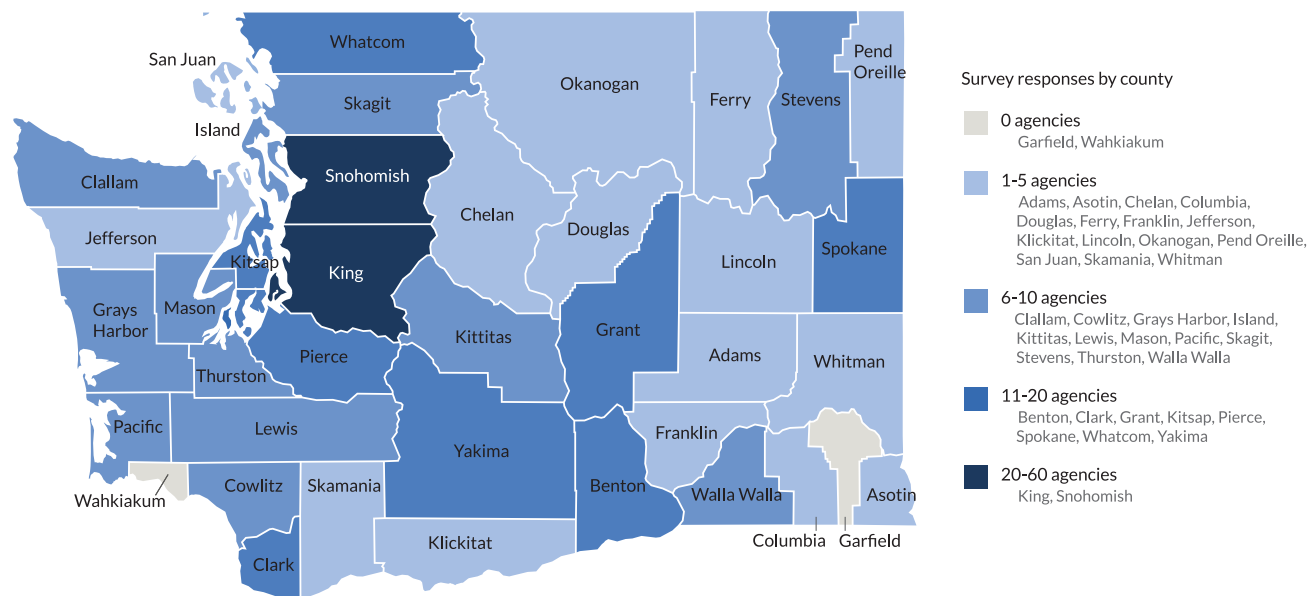
Study approach used state data systems, surveys, and interviews

No organization collects and tracks information about how agencies use the exemption statewide. Instead, JLARC staff relied on three data sources. More information is in [Appendix A](#).

1. **The state HRMS.** The system provided quantitative information about the exemption among 103 state agencies.
2. **A JLARC staff survey of public agencies.** It provided data about the exemption among 353 non-state agencies that responded (e.g., local governments, special districts, schools).
3. **Interviews with agencies that use the exemption.** The interviews gave detail about how the agencies implement the exemption and helped identify issues or concerns among 28 agencies.

Based on discussions with advocacy groups and agency human resources staff, JLARC staff did not contact employees who have asked for the survivor's exemption due to sensitivity about their safety, privacy, and well-being.

Figure 1: 353 of 932 non-state public agencies responded to the JLARC staff survey



Note: JLARC staff were able to find current contact information and survey 1,023 out of 2,400 public agencies. Of these, 91 were state agencies and 932 were non-state agencies (e.g., local governments, special districts).

Source: JLARC staff analysis.

Few employees have asked for the exemption

HRMS data shows that 141 state employees out of 87,500 (0.16%) asked for the exemption as of May 2024. These employees work in 33 of 103 state agencies. Requests for the exemption can be a preemptive step. It does not mean that there was a public records request ([Part 4](#)).

Insufficient data is available to make a similar comparison for all non-state agencies.

- 38 out of 353 non-state agencies that responded to the JLARC staff survey had at least one employee who asked for the exemption. They reported that 108 employees asked for the exemption. They did not report total staffing.
- 14 of the 38 agencies provided more information through interviews. They reported 77 out of 37,200 (0.20%) employees requested the exemption.

The actual number and percent of public employees who are at risk from continuing domestic violence, sexual abuse, stalking, or harassment is unknown. However, as a point of comparison, the ACP had 6,153 participants as of October 2024. This represents 0.12% of Washington's 20- to 69-year-old population.

Although only a small number of employees have requested the exemption, agencies reported that employees appreciate the added protection. During preliminary interviews one advocate said that while it is not a complete guarantee of safety, the exemption adds a layer of protection that contributes to the safety of someone at risk.

14 of 28 interviewed agencies actively inform staff about the exemption

Seventy-one public agencies reported having at least one employee who asked for the exemption. JLARC staff contacted the agencies and 28 agreed to interviews (14 state and 14 non-state).

Fourteen reported that they sent an all-staff communication about the survivor's exemption. In many cases, the agencies reinforced the first message with periodic reminders through agency trainings and newsletters. Additionally, some of these agencies reported they incorporate it into agencies' new employee onboarding.

Some public employees may be unaware of the survivor's exemption because their agencies have not informed them

The remaining 14 agencies reported that they inform employees about the exemption only when the employee seeks help or when a relevant public records request is received.

An agency must notify an employee when it receives a public records request for information found exclusively in their personnel, payroll, supervisor, or training file. The employee typically has ten business days to take action to prevent the release of the information. In interviews, two agencies noted that they had not updated their notice to inform employees about the survivor's exemption. Instead, the notice mentioned only that they could seek a court order.

The employees requesting the exemption in these 14 agencies learned about the exemption either through prior contact with human resources about a safety issue or through a records request notification. However, employees who are unaware of the exemption and do not receive the notice in time (e.g., they were out of the office) might not have the opportunity to prevent the release of the data.

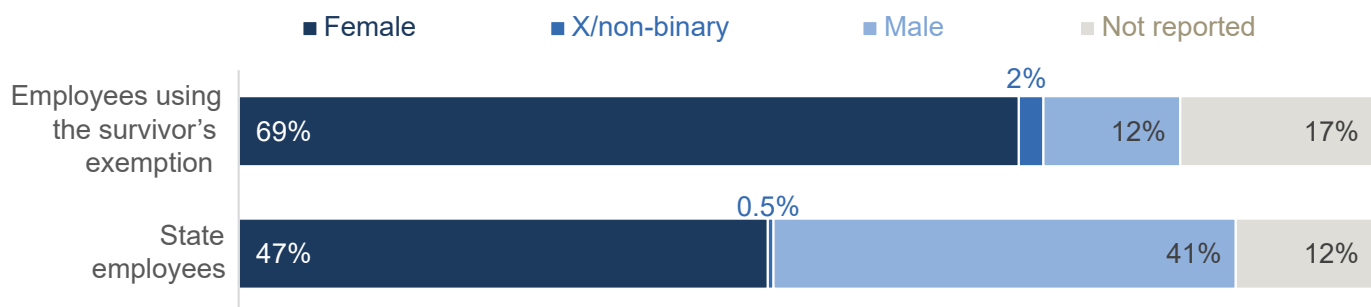
In survey responses, 37 agencies stated that they first learned about the exemption when they received the survey from JLARC staff. Employees at agencies like these may be unaware that this exemption is available.

A greater percent of state employees using the survivor exemption are female compared to the overall population of the state workforce

Compared to the overall state workforce, state employees using the survivor's exemption are more likely to identify as female. Additionally, those using the exemption were four times as likely to identify as X/non-binary. This is consistent with available literature, which indicates that women and members of the LGBTQ+ community are more likely to experience domestic violence, sexual assault, stalking, and harassment.

Similar demographic data about non-state agencies' employees was not available.

Figure 2: Employees identifying as female or X/non-binary are more likely to be in the population of employees using the survivor's exemption



Note: Percentages do not total 100% due to rounding.

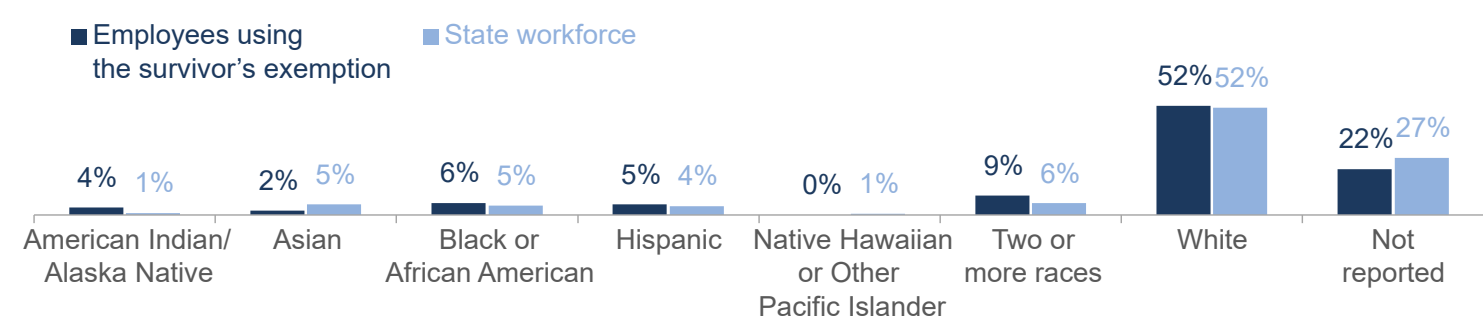
Source: HRMS data as of May 1, 2024.

The race/ethnicity of state employees using the survivor's exemption aligns with the overall state workforce

The race and ethnicity of state employees asking for the survivor's exemption aligns with the overall population of state government employees. Differences were less than three percentage points across all categories. The usefulness of this analysis was limited because 22% to 27% of employees chose not to report their race/ethnicity.

Data was unavailable to analyze the gender or race/ethnicity demographics of non-state agencies' employees.

Figure 3: The race/ethnicity of employees asking for the exemption aligns with overall state employees



Note: Percentages do not total 100% due to rounding.

Source: HRMS data as of May 1.

Part 3.

Approaches vary

JLARC staff interviewed 28 agencies that reported having at least one employee who asked for the exemption. They described the process they used to develop their approach to the survivor's exemption, how they implemented the exemption, and what issues they encountered.

Each public agency must implement the exemption in its own organization. Implementation across agencies varies in several ways. These variations may increase the risk that an employee's information would receive less protection at some

State agencies interviewed

The state HRMS showed that 33 agencies have employees who asked for the exemption. JLARC staff interviewed 14 agencies.

Non-state agencies interviewed

The JLARC staff survey identified 38 agencies that have employees who asked

agencies than others. Employee information should receive the same level of protection under the exemption regardless of which public agency the at-risk employee works for.

for the exemption. JLARC staff interviewed 14 agencies.

This report does not name the agencies to protect affected employees.

Variation in the definition of key terms may expose a greater amount of employee information at some agencies

State law exempts specific personally identifying information from disclosure such as the employee's job title, work address, and phone number. It also exempts "other similar information." The exemption applies only to information kept in the agency's "personnel-related records or systems."

Agencies vary in how they interpret these key terms. For example, among the 28 agencies interviewed:

- Four state agencies adopted policies and procedures that direct staff to identify and redact "similar personal information" on a case-by-case basis. This may include, for example, a person's parking permit information or work hours. In contrast, another agency limits the definition to only the specific items listed in the statute.
- The same four state agencies define personnel-related records or systems to include an array of systems that have employee information. This includes, for example, personnel, supervisory, training, payroll, tax, recruitment, and time and attendance files. In contrast, another agency defines the covered systems as only the personnel and supervisor files.
- Eight agencies have not yet defined these terms and several more reported they will address the question when they receive a public records request.

This variation in definitions across agencies creates two key risks:

1. **Inconsistent application and interpretation:** Employees may receive different levels of protection under the exemption depending on how their agency interprets the statute. For example, one agency may redact an employee's work hours, but another may not. Likewise, an agency might disclose exempt data contained in an email if it does not define personnel-related emails as falling within the definition of a personnel-related record.
2. **Inconsistent staff guidance:** Agencies that choose to define these terms only when they receive a request may apply the exemption inconsistently within their own organization.

Agencies may lack written policies and report uncertainty about procedural issues

In general, public agencies involved staff from their human resources and public records offices to develop policies and procedures for the exemption. Among the agencies interviewed for this study, 12 reported they have written policies or procedures. The others report that their processes are not formally documented but are commonly understood. Written policies and procedures help to ensure a common understanding of staff roles and responsibilities for implementing the exemption.

Of the 353 non-state agencies responding to our survey, 15% had a written policy or procedure, 56% did not, and 28% were unsure. This creates the risk that employees may receive different levels of protection under the exemption because of inconsistent application within an agency. It also could result in confusion among

staff who are trying to implement the exemption, particularly when there is staff turnover in the human resources and public records offices.

In interviews, some agencies reported uncertainty about how aspects of the exemption process should be implemented. For example:

- One agency was uncertain about the extent of the agency's responsibility to verify the contents of sworn statements, and if supporting documentation about an employee's case should be kept on file.
- At least two agencies require the employee to provide formal documentation, such as a police report or a temporary restraining order. While this type of documentation is acceptable, the statute does not require it. Domestic violence advocates state that victims of abuse often do not report the abuse to a formal authority.

Most interviewed agencies view the exemption favorably. Some are uncertain about its limits.

Agencies reported positive views of the exemption. However, staff from three agencies expressed concern that employees might believe that the exemption provides more protection than it does. For example, employee data that is exempt when found in a personnel-related file or system may be disclosable when found in other systems or locations. Two agencies reported that they talk with at-risk employees about what information the exemption protects and what may still be available to members of the public.

Information sharing through enterprise-wide systems may make exempt employee information available to the public

Agencies share personnel information with external agencies that compile it for public distribution or other purposes.

In some cases, the external agency has additional statutes that protect the shared information. For example, the state's Employment Security Department collects information from other agencies for unemployment insurance. Chapter 50.13 RCW prohibits release of that information.

In other cases, however, the employee's agency must tell the external agency that an employee's information is protected. For example, public agencies must indicate an employee's protected status when sending personnel information to the Department of Retirement Systems. Some agencies we interviewed were unaware of responsibilities like this.

Agencies would like more guidance on implementation issues

Half of the agencies interviewed by JLARC staff said that more guidance about what information they should redact would be helpful. They also would like to learn from other peer agencies about common approaches to implementing the exemption. This includes definitions of key terms, frequency of employee communications, managing sensitive documents sent by at-risk employees, and the agency's duties to verify the risk to the employee.

Such guidance could help clarify implementation and create a more consistent level of protection for employees.

Office of the Attorney General and other entities have established roles in providing guidance about public records

The JLARC staff survey asked agencies who, aside from their own legal counsel, gives them guidance and advice about public records. Agencies reported they rely on organizations that provide public agencies guidance about public records and human resources:

- Office of the Attorney General's open government ombuds.
- Municipal Research and Services Center (MRSC).
- Washington Association of Public Records Officers (WAPRO).
- Association of Washington Cities.
- Law Enforcement Information and Records Association (LEIRA).
- Other government and human resources associations.

State agencies reported their human resources staff got helpful guidance by collaborating with human resources staff at other agencies. This was particularly true when the exemption first went into effect and agencies were putting processes in place. State and local government human resources associations can assist agencies by providing guidance to agencies about employee communications and incorporating notification of the exemption into employee trainings and onboarding.

The Office of the Attorney General (AGO) is responsible by law for providing guidance, training, and technical help to public agencies as they implement the PRA. Its open government office publishes an open government resource manual that interprets the PRA and provides a summary of key court decisions interpreting the law. It is updating the manual and expects to include the survivor's exemption in its chapter on exemptions. The office also provides one-on-one guidance to public agencies by request and offers training on the PRA at a variety of venues throughout the year.

Agencies responding to the survey said they use guidance from the AGO, MRSC, and others to help guide their work in this area. However, they would benefit from access to guidance in an on-demand format that they can access when they are in the process of implementing the exemption. Several agencies mentioned that access to best practices used by other agencies would be helpful.

Part 4.

Records access

Stakeholders, particularly those representing open government and news media, raised concerns during legislative testimony that this exemption could negatively affect public transparency afforded by the PRA. JLARC staff reviewed agency responses to public records requests in 14 state agencies to better understand the potential impact of the exemption on the public's access to information.

Redactions of public records based on the survivor's exemption appear limited

The 14 state agencies interviewed for this report reported that they received over 36,000 public records requests in 2023. Between May 2023 and November 2024, they reported that 36 public records requests needed survivor's exemption redactions.

- Six of the 36 requests specifically requested information about an individual protected by the exemption.
- The remaining 30 were broad requests seeking agency-level data (e.g., organization charts, agency policies). Unions, open government organizations, industry associations, researchers, and individuals filed the requests.

The survivor's exemption appears to have had little effect on the public's access to government information.

Media requests have been unaffected

Based on the information reviewed by JLARC staff, it does not appear news media requests for data have been affected, as the survivor's exemption statute does not change their access to this data.

Recommendations

Recommendation #1:

The Legislature should keep the survivor's exemption.

Agencies report the exemption is providing added protections for at-risk public employees. While the number of employees using the exemption to date is small, disclosing the protected information could result in an abuser locating a victim.

Legislation required: None

Fiscal impact: None

Implementation date: NA

Agency response: **AGO** concurs.

Recommendation #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.

Public agencies have asked for additional guidance about how best to implement the exemption within their organization. The Office of the Attorney General (AGO) is responsible for providing guidance, training, and

technical assistance to public agencies as they implement the PRA. It would be best suited to documenting and disseminating leading practices and guidance with input from other organizations that advise public agencies on human resources and public records issues. Providing a central source of this type of technical assistance will also contribute to greater consistency across public agencies throughout the state.

Legislation required: No

Fiscal impact: Depending on the approach the AGO takes, it could be completed within existing resources. If the AGO believes additional resources are needed, it should include that information in its future budget requests.

Implementation date: December 2025

Agency response: **AGO** concurs.

Agency Response

AGO concurs with the recommendations. See [attached letter \(PDF\)](#).

The Office of Financial Management (OFM) was given an opportunity to comment on this report. OFM responded that it does not have any comments.

Current Recommendation Status

JLARC staff review whether the agency acted on the recommendation for four years. The first review typically happens about a year after we issue the report. The most recent responses from agencies and status of the recommendations in this report can be viewed on our [Legislative Auditor Recommendations page](#).

Appendices

[Appendix A: Study-specific methods](#) | [Appendix B: Applicable statutes](#) | [Appendix C: Study questions & methods](#) | [Appendix D: Audit authority](#)

Appendix A: Study-specific methods

A limited amount of data regarding use of the survivor's exemption was available for JLARC staff to analyze as a part of this study, as no agency is responsible for collecting and tracking this type of information.

Terms used in this report

Based on availability of data, JLARC staff divided public agencies into state and non-state agencies as follows.

Study relied on state data, a survey, and targeted interviews

JLARC staff used two primary sources of data to identify which public agencies currently have at-risk employees who have requested protection under this exemption.

1. To identify state agencies that currently have at-risk employees protected by the exemption, JLARC staff used data from the state's Human Resources Management System (HRMS). The HRMS system has a "redaction indicator" feature that allows a state agency to flag employees whose data must be redacted based on this or another exemption. The HRMS report covered 103 state agencies. We found that 33 of those agencies have employees who asked that the agency withhold their information based on the survivor's exemption.
2. To identify non-state agencies that have employees requesting the exemption, JLARC staff conducted a survey. We distributed the survey online via Survey Monkey to 1,888 recipients at 1,023 agencies, of which 932 were non-state agencies; we were unable to get current email addresses for all public agencies. The AGO Ombudsman and MRSC also sent emails asking their contacts at non-state agencies to respond. We received responses from 402 agencies, of which 353 were non-state agencies. Of the 353 non-state agencies responding to the survey, we identified 38 with employees requesting the exemption.

JLARC staff reached out to agencies that had employees who had requested the exemption to request an in-depth interview with representatives from both their public records office and human resources. We were able to conduct structured interviews with 14 state and 14 non-state agencies to understand how agencies implemented the exemption and to identify issues or concerns they have experienced.

Due to the limitations of the available data, the actual number of state employees who are currently at risk of domestic violence, sexual abuse, stalking, or harassment is unknown. JLARC staff was therefore unable to determine whether the known number of employees claiming the exemption aligns with the need for data protection among employees. After consulting with agency staff and reviewing the relevant literature, JLARC staff decided not to survey or interview employees claiming the survivor's exemption due to sensitivity regarding their safety, privacy, and well-being.

Interview methods

JLARC staff reached out to public agencies with employees using the exemption to request an in-depth interview with their public records officer and a representative of their human resources staff. In total, we interviewed staff from **28 agencies**, including 14 state agencies and 14 non-state agencies. JLARC staff developed and used an interview guide with a standard set of questions to guide the interviews. We used the interviews to learn how the agencies organized to develop their internal processes, how they implemented the exemption, including ways that employees learn about the exemption, and the extent to which they use the exemption.

- **State agency interview participants** were identified using data from the state's HRMS. It provided data for 103 state agencies, boards, and commissions. It showed that 141 employees in 33 agencies asked

State agencies include:

- Agencies
- Boards
- Commissions

Non-state agencies include:

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

for this exemption. JLARC staff contacted each agency that had listed employees to verify the accuracy of their data entries.

- **Non-state agency interview participants** were identified using the survey results. Of the responses from non-state agencies, 38 indicated they had at least one employee using the exemption. In total, these agencies reported that 108 employees have their data protected by this exemption. Of those, 77 were at the agencies that agreed to interviews.

Appendix B: Applicable statutes

RCW 42.56.250(1)(i) | Public Records Act survivor's exemption

RCW 42.56.070(8) | Commercial purpose prohibition

Appendix C: Study questions

This study aimed to answer the following questions, which were presented to JLARC in April 2024 ([view here](#)).

1. How are public agencies implementing the exemption?
 - What are the characteristics, including race and ethnicity, of those whose data is protected by the exemption?
2. Has the exemption protected the personal information of affected public employees?
3. What effect, if any, has the exemption had on access to public records, including by the news media?

Methods

The methodology JLARC staff use when conducting analyses is tailored to the scope of each study, but generally includes the following:

- **Interviews** with stakeholders, agency representatives, and other relevant organizations or individuals.
- **Site visits** to entities that are under review.
- **Document reviews**, including applicable laws and regulations, agency policies and procedures pertaining to study objectives, and published reports, audits or studies on relevant topics.
- **Data analysis**, which may include data collected by agencies and/or data compiled by JLARC staff. Data collection sometimes involves surveys or focus groups.
- **Consultation with experts** when warranted. JLARC staff consult with technical experts when necessary to plan our work, to obtain specialized analysis from experts in the field, and to verify results.

The methods used in this study were conducted in accordance with Generally Accepted Government Auditing Standards.

More details about specific methods related to individual study objectives are described in the body of the report under the report details tab or in technical appendices.

Appendix D: Audit Authority

The Joint Legislative Audit and Review Committee (JLARC) works to make state government operations more efficient and effective. The Committee is comprised of an equal number of House members and Senators, Democrats and Republicans.

JLARC's nonpartisan staff auditors, under the direction of the Legislative Auditor, conduct performance audits, program evaluations, sunset reviews, and other analyses assigned by the Legislature and the Committee.

The statutory authority for JLARC, established in **Chapter 44.28 RCW**, requires the Legislative Auditor to ensure that JLARC studies are conducted in accordance with Generally Accepted Government Auditing Standards, as applicable to the scope of the audit. This study was conducted in accordance with those applicable standards. Those standards require auditors to plan and perform audits to obtain sufficient, appropriate evidence to provide a reasonable basis for findings and conclusions based on the audit objectives. The evidence obtained for this JLARC report provides a reasonable basis for the enclosed findings and conclusions, and any exceptions to the application of audit standards have been explicitly disclosed in the body of this report.

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