

1 **HB 1647 - H AMD 033 ADOPTED 1-26-96**

2 By Representative Goldsmith

3 Strike everything after the enacting clause and insert the
4 following:

5 "NEW SECTION. **Sec. 1.** The legislature finds that the
6 employment security department needs to protect confidential data
7 while improving services to the public. It is the intent of the
8 legislature that the department provide confidential data to
9 persons or organizations for very limited purposes under contract,
10 when a determination is made that the quality and efficiencies of
11 services consistent with Title 50 RCW will be improved.

12
13 **Sec. 2.** RCW 50.13.080 and 1977 ex.s. c 153 s 8 are each
14 amended to read as follows:

15 (1) The employment security department shall have the right to
16 disclose information or records deemed private and confidential
17 under this chapter to any ((private)) person or organization when
18 such disclosure is necessary to permit ((private)) contracting
19 parties to assist in the operation and management of the department
20 in instances where certain departmental functions may be delegated
21 to ((private)) parties to increase the department's efficiency or
22 quality of service to the public. The ((private)) persons or
23 organizations shall use the information or records solely for the
24 purpose for which the information was disclosed and shall be bound
25 by the same rules of privacy and confidentiality as employment
26 security department employees. ((Nothing in)) This subsection
27 shall not be construed as giving authority to the department to
28 give, sell, or provide access to any confidential data for any
29 commercial purpose, nor shall this section ((shall)) be construed
30 as limiting or restricting the effect of RCW 42.17.260((+5))(9).

1 (2) The misuse or unauthorized release of records or
2 information deemed private and confidential under this chapter by
3 any (~~(private)~~) person or organization to which access is permitted
4 by this section shall subject the person or organization to a civil
5 penalty of five (~~(hundred)~~) thousand dollars and other applicable
6 sanctions under state and federal law. Suit to enforce this
7 section shall be brought by the attorney general and the amount of
8 any penalties collected shall be paid into the employment security
9 department administrative contingency fund. The attorney general
10 may recover reasonable attorneys' fees for any action brought to
11 enforce this section.

12
13 NEW SECTION. Sec. 3. If any part of this act is found to be
14 in conflict with federal requirements that are a prescribed
15 condition to the allocation of federal funds to the state or the
16 eligibility of employers in this state for federal unemployment tax
17 credits, the conflicting part of this act is hereby declared to be
18 inoperative solely to the extent of the conflict, and such finding
19 or determination shall not affect the operation of the remainder of
20 this act. The rules under this act shall meet federal requirements
21 that are a necessary condition to the receipt of federal funds by
22 the state or the granting of federal unemployment tax credits to
23 employers in this state.

24
25 NEW SECTION. Sec. 4. This act shall take effect July 1,
26 1996."

EFFECT: The intent statement is revised to indicate that confidential data from the Employment Security Department should be provided under contract with other entities only for limited purposes. A provision is added that the authority to share confidential data does not give authority to the department to provide data for any commercial purpose. The emergency clause is deleted and the effective date is changed from July 1, 1995, to July 1, 1996.