

1 (a) Is reasonably satisfied that the application meets the
2 requirements of RCW 50.13.060, the department will provide
3 access to the information or records.

4 (b) Is not reasonably satisfied that the application meets
5 the requirements of RCW 50.13.060, the department may refuse to
6 provide access. The department will provide notification of the
7 denial as prescribed in WAC 192-02-140.

8 (3) In the event of a refusal by the public records
9 officer to release records or information under RCW
10 50.13.060(3), the government agency may immediately contact the
11 commissioner of the employment security department for appeal.

12 (4) The department shall establish procedures for providing
13 records used for detection of fraud by claimants under various
14 social programs administered by government agencies pursuant to
15 RCW 50.13.060(5). Further investigation of department files
16 concerning these individuals may be accomplished only if the
17 normal requirements of RCW 50.13.060 are met.

18 (5) The term "other official of the agency" as used in RCW
19 50.13.060 (1)(b) means an employee who has substantial
20 responsibility for the operation of the requesting agency or for
21 one or more of its programs or administrative units.

22
23 New Section

24
25 **WAC 192-15-520 Response to subpoenas.** (1) An employee
26 called to testify in a judicial or administrative proceeding
27 shall not disclose information or records deemed private and
28 confidential under chapter 50.13 RCW, unless:

29 (a) The presiding officer makes a finding that the need for
30 the disclosure outweighs any reasons for the privacy and
31 confidentiality of the records or information; or

1 (b) The employee is responding to a subpoena containing a
2 finding by the presiding officer that the need for the
3 disclosure outweighs any reasons for the privacy and
4 confidentiality of the records or information.

5
6 New Section

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8 **WAC 192-15-530 Access to records - Operation and**
9 **management.** (1) The department will provide incidental access
10 to private or confidential information and records by private
11 parties who are assisting the department in such areas as data
12 processing and collection of employment security contributions
13 pursuant to RCW 50.13.080.

14 (2) Parties provided incidental access to private and
15 confidential records:

16 (a) Are bound by the rules of confidentiality and privacy
17 applicable to departmental employees; and

18 (b) Will be monitored by the department to insure that
19 private and confidential information or records are being
20 handled correctly.

21
22 New Section

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24 **WAC 192-15-540 Consent to release of records or**
25 **information.** (1) Consent to release of information or records
26 deemed private and confidential under RCW 50.13.100 shall be
27 liberally interpreted so that the department may release
28 information or records to third parties who supply the
29 department with reasonable written or oral assurances of their
30 identity and the department already has a release on file that
31 meets the requirements of subsection (2) of this section.

32 (2) The release provided by a third party must include:

1 (a) Specifically identifying information of the data to be
2 disclosed;

3 (b) Acknowledgement that department information will be
4 accessed to obtain the information;

5 (c) The specific purpose or purposes for which the
6 information is sought and a statement that information obtained
7 under the release will only be used for that purpose or
8 purposes;

9 (d) The parties who may receive the information disclosed;

10 (e) A written or electronic signature by the individual or
11 employer being represented.

12 (f) A statement that provides the purpose of the release,
13 which shall be limited to:

14 (i) Providing a service or benefit to the individual
15 signing the release; or

16 (ii) Carrying out the administration or evaluation of a
17 public program.

18 (3) In cases where a certain record contains information
19 about more than one individual or employing unit:

20 (a) All individuals or employing units concerned must give
21 consent before a record may be released or disclosed to other
22 than the individuals or employing units;

23 (b) Records for individuals or employing units that give
24 consent may be provided if the records for individuals or
25 employing units that do not give consent are redacted; or

26 (C) The request may be denied if all individuals and
27 employing units do not provide consent and records are not able
28 to be redacted in order to protect the privacy of individuals or
29 employing units that do not give consent.

30 (4) An attorney who can provide reasonable written
31 assurance that they represent an interested party, as defined by
32 WAC 192-04-040, in a proceeding before the appeal tribunal or

1 commissioner, may have access to confidential information or
2 records that are material to the issues in that proceeding.

3

4 New Section

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6 **WAC 192-15-550 Disclosure related to employment security**

7 **programs.** (1) Chapter 50.13 RCW shall not be interpreted to
8 prevent the employment security department from:

9 (a) Disclosing information in carrying out the department's
10 duties under Title 50 RCW or under any other program for which
11 the department is responsible;

12 (b) Disclosing information to the unemployment insurance
13 agencies of other states when such disclosure relates to the
14 administration of the unemployment insurance law of the
15 requesting state; or

16 (c) Disclosing information when such disclosure is required
17 by the federal government in connection with or as a condition
18 of funding for a program being administered by the department.