
HOUSE BILL 1610

State of Washington

69th Legislature

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By Representatives Hunt and Doglio; by request of Department of Commerce

1 AN ACT Relating to the disclosure of critical energy
2 infrastructure information; and amending RCW 42.56.420.

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

4 **Sec. 1.** RCW 42.56.420 and 2023 c 404 s 3 are each amended to
5 read as follows:

6 The following information relating to security is exempt from
7 disclosure under this chapter:

8 (1) Those portions of records assembled, prepared, or maintained
9 to prevent, mitigate, or respond to criminal terrorist acts, which
10 are acts that significantly disrupt the conduct of government or of
11 the general civilian population of the state or the United States and
12 that manifest an extreme indifference to human life, the public
13 disclosure of which would have a substantial likelihood of
14 threatening public safety, consisting of:

15 (a) Specific and unique vulnerability assessments or specific and
16 unique response or deployment plans, including compiled underlying
17 data collected in preparation of or essential to the assessments, or
18 to the response or deployment plans; and

19 (b) Records not subject to public disclosure under federal law
20 that are shared by federal or international agencies, and information
21 prepared from national security briefings provided to state or local

1 government officials related to domestic preparedness for acts of
2 terrorism;

3 (2) Those portions of records containing specific and unique
4 vulnerability assessments or specific and unique emergency and escape
5 response plans at a city, county, or state adult or juvenile
6 correctional facility, or secure facility for persons civilly
7 confined under chapter 71.09 RCW, the public disclosure of which
8 would have a substantial likelihood of threatening the security of a
9 city, county, or state adult or juvenile correctional facility,
10 secure facility for persons civilly confined under chapter 71.09 RCW,
11 or any individual's safety;

12 (3) Information compiled by school districts or schools in the
13 development of their comprehensive safe school plans under RCW
14 28A.320.125, to the extent that they identify specific
15 vulnerabilities of school districts and each individual school;

16 (4) Information regarding the public and private infrastructure
17 and security of computer and telecommunications networks, consisting
18 of security passwords, security access codes and programs, access
19 codes for secure software applications, security and service recovery
20 plans, security risk assessments, and security test results to the
21 extent that they identify specific system vulnerabilities, and other
22 such information the release of which may increase risk to the
23 confidentiality, integrity, or availability of security, information
24 technology infrastructure, or assets;

25 (5) The system security and emergency preparedness plan required
26 under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170,
27 and 81.112.180; (~~and~~)

28 (6) Personally identifiable information of employees, and other
29 security information, of a private cloud service provider that has
30 entered into a criminal justice information services agreement as
31 contemplated by the United States department of justice criminal
32 justice information services security policy, as authorized by 28
33 C.F.R. Part 20; and

34 (7)(a) Critical energy infrastructure information collected in
35 support of the state energy resilience and emergency management
36 office.

37 (b) The following definitions apply for purposes of this
38 subsection:

39 (i) "Critical energy infrastructure" means systems and assets,
40 whether physical or virtual, the incapacity or destruction of which

1 threatens to disrupt or diminish the supply of energy to the extent
2 that the public health, safety, and general welfare may be
3 jeopardized;

4 (ii) (A) "Critical energy infrastructure information" means
5 information regarding critical energy infrastructure where the
6 information:

7 (I) Records containing actual, potential, or threatened
8 interference with, attacks on, compromise of, or incapacitation of
9 critical energy infrastructure or protected systems by either
10 physical or computer-based attacks, or other similar conduct that
11 violates federal, state, or local law, harms interstate commerce of
12 Washington state or the United States, or threatens to disrupt or
13 diminish the supply of energy to the extent that the public health,
14 safety, and general welfare may be jeopardized; or

15 (II) Does not simply give the general location of or relay
16 publicly available information about the critical energy
17 infrastructure.

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