Ethics in Public Service Act

RCW 42.52.050

Confidential Information

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RCW 42.52.050, Confidential information- improperly concealed records, states:

(1) No state officer or state employee may accept employment or engage in any business or professional activity that the officer or employee might reasonably expect would require or induce him or her to make an unauthorized disclosure of confidential information acquired by the official or employee by reason of the official's or employee's official position.

(2) No state officer or state employee may make a disclosure of confidential information gained by reason of the officer's or employee's official position or otherwise use the information for his or her personal gain or benefit or the gain or benefit of another, unless the disclosure has been authorized by statute or by the terms of a contract involving (a) the state officer's or state employee's agency and (b) the person or persons who have authority to waive the confidentiality of the information.

(3) No state officer or state employee may disclose confidential information to any person not entitled or authorized to receive the information.

(4) No state officer or state employee may intentionally conceal a record if the officer or employee knew the record was required to be released under chapter 42.56 RCW, was under a personal obligation to release the record, and failed to do so

What does this mean?

No state employee may disclose confidential information gained through their job, or otherwise use confidential information for personal gain or benefit.

What is "confidential information"?

Information that is confidential is not releasable upon public demand such as:

- Personal information in employee, appointees or elected officials files that, if disclosed, would violate that person's right to privacy.
- Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.
- All applications for public employment or contracting, including the names of the applicants, resumes, and other related materials.
- The residential addresses and residential telephone numbers of employees or volunteers of a state agency which are held in personnel records, employment or volunteer rosters, or mailing lists.

It is important to know four main points about the information you may work with in your official position:

1. You may not accept any employment or engage in any business or activity where you might reasonably be expected to, required or persuaded to make an unauthorized disclosure of confidential information.

2. You may not make a disclosure of confidential information or use that information for your personal gain or benefit or to benefit another.

3. You may not intentionally conceal a record if 1) it is considered a public record (e-mail, voice-mail, Internet usage, and fax records included), 2) you were directly asked to release the information, then 3) failed to do so.

4. You are not in an ethical violation if the decision to withhold the public record was made in good faith. If the mistake is found, you then need to send the missing information as soon as possible.

Scenarios

1. Your agency receives a subpoena for a group of personnel records. One of the public documents has a handwritten sticky note containing some potentially damaging information. James provides copies of all typed documents and omits the sticky note on the theory that it might have been added later and its author is undetermined. Is this is a violation?

2. Sammy works in your agency's purchasing department and takes care of billing for office supplies. He thinks that his agency is paying an unreasonable amount for paper, so he makes copies of the billing for his wife who works for a paper company and offers to provide superior products at a lesser cost. Is this is a violation?