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HOUSE BILL 2595

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By Representatives Sheldon, Bowman, Rasmussen, Forner, Silver, H. Sommers, Paris, Brough, Hochstatter, Chandler, D. Sommers, Wynne, P. Johnson and Winsley; by request of Dept. of Trade and Economic Developmt

Read first time 01/22/92. Referred to Committee on Trade & Economic Development.

1 AN ACT Relating to public disclosure of business, financial, and  
2 commercial information and records for the community economic  
3 revitalization board's program services; and reenacting and amending  
4 RCW 42.17.310.

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

6 **Sec. 1.** RCW 42.17.310 and 1991 c 301 s 13, 1991 c 87 s 13, and  
7 1991 c 23 s 10 are each reenacted and amended to read as follows:

8 (1) The following are exempt from public inspection and copying:

9 (a) Personal information in any files maintained for students in  
10 public schools, patients or clients of public institutions or public  
11 health agencies, or welfare recipients.

12 (b) Personal information in files maintained for employees,  
13 appointees, or elected officials of any public agency to the extent  
14 that disclosure would violate their right to privacy.

1 (c) Information required of any taxpayer in connection with the  
2 assessment or collection of any tax if the disclosure of the  
3 information to other persons would (i) be prohibited to such persons by  
4 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result  
5 in unfair competitive disadvantage to the taxpayer.

6 (d) Specific intelligence information and specific investigative  
7 records compiled by investigative, law enforcement, and penology  
8 agencies, and state agencies vested with the responsibility to  
9 discipline members of any profession, the nondisclosure of which is  
10 essential to effective law enforcement or for the protection of any  
11 person's right to privacy.

12 (e) Information revealing the identity of persons who file  
13 complaints with investigative, law enforcement, or penology agencies,  
14 other than the public disclosure commission, if disclosure would  
15 endanger any person's life, physical safety, or property. If at the  
16 time the complaint is filed the complainant indicates a desire for  
17 disclosure or nondisclosure, such desire shall govern. However, all  
18 complaints filed with the public disclosure commission about any  
19 elected official or candidate for public office must be made in writing  
20 and signed by the complainant under oath.

21 (f) Test questions, scoring keys, and other examination data used  
22 to administer a license, employment, or academic examination.

23 (g) Except as provided by chapter 8.26 RCW, the contents of real  
24 estate appraisals, made for or by any agency relative to the  
25 acquisition or sale of property, until the project or prospective sale  
26 is abandoned or until such time as all of the property has been  
27 acquired or the property to which the sale appraisal relates is sold,  
28 but in no event shall disclosure be denied for more than three years  
29 after the appraisal.

1 (h) Valuable formulae, designs, drawings, and research data  
2 obtained by any agency within five years of the request for disclosure  
3 when disclosure would produce private gain and public loss.

4 (i) Preliminary drafts, notes, recommendations, and intra-agency  
5 memorandums in which opinions are expressed or policies formulated or  
6 recommended except that a specific record shall not be exempt when  
7 publicly cited by an agency in connection with any agency action.

8 (j) Records which are relevant to a controversy to which an agency  
9 is a party but which records would not be available to another party  
10 under the rules of pretrial discovery for causes pending in the  
11 superior courts.

12 (k) Records, maps, or other information identifying the location of  
13 archaeological sites in order to avoid the looting or depredation of  
14 such sites.

15 (l) Any library record, the primary purpose of which is to maintain  
16 control of library materials, or to gain access to information, which  
17 discloses or could be used to disclose the identity of a library user.

18 (m) Financial information supplied by or on behalf of a person,  
19 firm, or corporation for the purpose of qualifying to submit a bid or  
20 proposal for ~~((+a))~~ (i) a ferry system construction or repair contract  
21 as required by RCW 47.60.680 through 47.60.750 or ~~((+b))~~ (ii) highway  
22 construction or improvement as required by RCW 47.28.070.

23 (n) Railroad company contracts filed with the utilities and  
24 transportation commission under RCW 81.34.070, except that the  
25 summaries of the contracts are open to public inspection and copying as  
26 otherwise provided by this chapter.

27 (o) Financial and commercial information and records supplied by  
28 private persons pertaining to export services provided pursuant to  
29 chapter 43.163 RCW and chapter 53.31 RCW.

1 (p) Financial disclosures filed by private vocational schools under  
2 chapter 28C.10 RCW.

3 (q) Records filed with the utilities and transportation commission  
4 or attorney general under RCW 80.04.095 that a court has determined are  
5 confidential under RCW 80.04.095.

6 (r) Financial and commercial information and records supplied by  
7 businesses during application for loans or program services provided by  
8 chapter 43.163 RCW and chapters 43.31, 43.63A, 43.160, and 43.168 RCW.

9 (s) Membership lists or lists of members or owners of interests of  
10 units in timeshare projects, subdivisions, camping resorts,  
11 condominiums, land developments, or common-interest communities  
12 affiliated with such projects, regulated by the department of  
13 licensing, in the files or possession of the department.

14 (t) All applications for public employment, including the names of  
15 applicants, resumes, and other related materials submitted with respect  
16 to an applicant.

17 (u) The residential addresses and residential telephone numbers of  
18 employees or volunteers of a public agency which are held by the agency  
19 in personnel records, employment or volunteer rosters, or mailing lists  
20 of employees or volunteers.

21 (v) The residential addresses and residential telephone numbers of  
22 the customers of a public utility contained in the records or lists  
23 held by the public utility of which they are customers.

24 (w) Information obtained by the board of pharmacy as provided in  
25 RCW 69.45.090.

26 (x) Information obtained by the board of pharmacy or the department  
27 of health and its representatives as provided in RCW 69.41.044,  
28 69.41.280, and 18.64.420.

29 (y) Financial information, business plans, examination reports, and  
30 any information produced or obtained in evaluating or examining a

1 business and industrial development corporation organized or seeking  
2 certification under chapter 31.24 RCW.

3 (z) Financial and commercial information supplied to the state  
4 investment board by any person when the information relates to the  
5 investment of public trust or retirement funds and when disclosure  
6 would result in loss to such funds or in private loss to the providers  
7 of this information.

8 (aa) Financial and valuable trade information under RCW 51.36.120.

9 (bb) Client records maintained by an agency that is a domestic  
10 violence program as defined in RCW 70.123.020 or a rape crisis center  
11 as defined in RCW 70.125.030.

12 (2) Except for information described in subsection (1)(c)(i) of  
13 this section and confidential income data exempted from public  
14 inspection pursuant to RCW 84.40.020, the exemptions of this section  
15 are inapplicable to the extent that information, the disclosure of  
16 which would violate personal privacy or vital governmental interests,  
17 can be deleted from the specific records sought. No exemption may be  
18 construed to permit the nondisclosure of statistical information not  
19 descriptive of any readily identifiable person or persons.

20 (3) Inspection or copying of any specific records exempt under the  
21 provisions of this section may be permitted if the superior court in  
22 the county in which the record is maintained finds, after a hearing  
23 with notice thereof to every person in interest and the agency, that  
24 the exemption of such records is clearly unnecessary to protect any  
25 individual's right of privacy or any vital governmental function.

26 (4) Agency responses refusing, in whole or in part, inspection of  
27 any public record shall include a statement of the specific exemption  
28 authorizing the withholding of the record (or part) and a brief  
29 explanation of how the exemption applies to the record withheld.