

2 **SB 5635 - H COMM AMD ADOPTED AS AMENDED 4-15-93**

3 By Committee on Health Care

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 18.130
8 RCW to read as follows:

9 If the department communicates in writing to a complainant, or his
10 or her representative, regarding his or her complaint, such
11 communication shall not include the address or telephone number of the
12 health care provider against whom he or she has complained. The
13 department shall inform all applicants for a health care provider
14 license of the provisions of this section and RCW 42.17.310 regarding
15 the release of address and telephone information.

16 **Sec. 2.** RCW 42.17.310 and 1992 c 139 s 5 and 1992 c 71 s 12 are
17 each reenacted and amended to read as follows:

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

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

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

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

30 (d) Specific intelligence information and specific investigative
31 records compiled by investigative, law enforcement, and penology
32 agencies, and state agencies vested with the responsibility to
33 discipline members of any profession, the nondisclosure of which is
34 essential to effective law enforcement or for the protection of any
35 person's right to privacy.

1 (e) Information revealing the identity of persons who are witnesses
2 to or victims of crime or who file complaints with investigative, law
3 enforcement, or penology agencies, other than the public disclosure
4 commission, if disclosure would endanger any person's life, physical
5 safety, or property. If at the time a complaint is filed the
6 complainant, victim or witness indicates a desire for disclosure or
7 nondisclosure, such desire shall govern. However, all complaints filed
8 with the public disclosure commission about any elected official or
9 candidate for public office must be made in writing and signed by the
10 complainant under oath.

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

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

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

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

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

31 (k) Records, maps, or other information identifying the location of
32 archaeological sites in order to avoid the looting or depredation of
33 such sites.

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

37 (m) Financial information supplied by or on behalf of a person,
38 firm, or corporation for the purpose of qualifying to submit a bid or
39 proposal for (a) a ferry system construction or repair contract as

1 required by RCW 47.60.680 through 47.60.750 or (b) highway construction
2 or improvement as required by RCW 47.28.070.

3 (n) Railroad company contracts filed prior to July 28, 1991, with
4 the utilities and transportation commission under RCW 81.34.070, except
5 that the summaries of the contracts are open to public inspection and
6 copying as otherwise provided by this chapter.

7 (o) Financial and commercial information and records supplied by
8 private persons pertaining to export services provided pursuant to
9 chapter 43.163 RCW and chapter 53.31 RCW.

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

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

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

18 (s) Membership lists or lists of members or owners of interests of
19 units in timeshare projects, subdivisions, camping resorts,
20 condominiums, land developments, or common-interest communities
21 affiliated with such projects, regulated by the department of
22 licensing, in the files or possession of the department.

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

26 (u) The residential addresses and residential telephone numbers of
27 employees or volunteers of a public agency which are held by the agency
28 in personnel records, employment or volunteer rosters, or mailing lists
29 of employees or volunteers.

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

33 (w)(i) The federal social security number of individuals governed
34 under chapter 18.130 RCW maintained in the files of the department of
35 health, except this exemption does not apply to requests made directly
36 to the department from federal, state, and local agencies of
37 government, and national and state licensing, credentialing,
38 investigatory, disciplinary, and examination organizations; (ii) the
39 current residential address and current residential telephone number of

1 a health care provider governed under chapter 18.130 RCW maintained in
2 the files of the department, if the provider requests that this
3 information be withheld from public inspection and copying, and
4 provides to the department an accurate alternate or business address
5 and business telephone number. On or after January 1, 1995, the
6 current residential address and residential telephone number of a
7 health care provider governed under RCW 18.130.140 maintained in the
8 files of the department shall automatically be withheld from public
9 inspection and copying if the provider has provided the department with
10 an accurate alternative or business address and telephone number.

11 ~~(x)~~ Information obtained by the board of pharmacy as provided in
12 RCW 69.45.090.

13 ~~((x))~~ (y) Information obtained by the board of pharmacy or the
14 department of health and its representatives as provided in RCW
15 69.41.044, 69.41.280, and 18.64.420.

16 ~~((y))~~ (z) Financial information, business plans, examination
17 reports, and any information produced or obtained in evaluating or
18 examining a business and industrial development corporation organized
19 or seeking certification under chapter 31.24 RCW.

20 ~~((z))~~ (aa) Financial and commercial information supplied to the
21 state investment board by any person when the information relates to
22 the investment of public trust or retirement funds and when disclosure
23 would result in loss to such funds or in private loss to the providers
24 of this information.

25 ~~((aa))~~ (bb) Financial and valuable trade information under RCW
26 51.36.120.

27 ~~((bb))~~ (cc) Client records maintained by an agency that is a
28 domestic violence program as defined in RCW 70.123.020 or a rape crisis
29 center as defined in RCW 70.125.030.

30 ~~((ee))~~ (dd) Information that identifies a person who, while an
31 agency employee: (i) Seeks advice, under an informal process
32 established by the employing agency, in order to ascertain his or her
33 rights in connection with a possible unfair practice under chapter
34 49.60 RCW against the person; and (ii) requests his or her identity or
35 any identifying information not be disclosed.

36 ~~((dd))~~ (ee) Business related information protected from public
37 inspection and copying under RCW 15.86.110.

38 (2) Except for information described in subsection (1)(c)(i) of
39 this section and confidential income data exempted from public

1 inspection pursuant to RCW 84.40.020, the exemptions of this section
2 are inapplicable to the extent that information, the disclosure of
3 which would violate personal privacy or vital governmental interests,
4 can be deleted from the specific records sought. No exemption may be
5 construed to permit the nondisclosure of statistical information not
6 descriptive of any readily identifiable person or persons.

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

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

17 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and shall take
20 effect immediately."

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