

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

3 By Committee on Health Care

4

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 residential address or residential  
12 telephone number of the health care provider against whom he or she has  
13 complained, if the provider has furnished the department with an  
14 alternative or business address and business telephone number. The  
15 department shall inform all applicants for a health care provider  
16 license of the provisions of this section and RCW 42.17.310 regarding  
17 the release of address and telephone information.

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

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

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

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

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

32 (d) Specific intelligence information and specific investigative  
33 records compiled by investigative, law enforcement, and penology  
34 agencies, and state agencies vested with the responsibility to  
35 discipline members of any profession, the nondisclosure of which is

1 essential to effective law enforcement or for the protection of any  
2 person's right to privacy.

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

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

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

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

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

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

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

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

1 (m) Financial information supplied by or on behalf of a person,  
2 firm, or corporation for the purpose of qualifying to submit a bid or  
3 proposal for (a) a ferry system construction or repair contract as  
4 required by RCW 47.60.680 through 47.60.750 or (b) highway construction  
5 or improvement as required by RCW 47.28.070.

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

10 (o) Financial and commercial information and records supplied by  
11 private persons pertaining to export services provided pursuant to  
12 chapter 43.163 RCW and chapter 53.31 RCW.

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

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

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

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

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

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

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

36 (w)(i) The federal social security number of individuals governed  
37 under chapter 18.130 RCW maintained in the files of the department of  
38 health, except this exemption does not apply to requests made directly  
39 to the department from federal, state, and local agencies of

1 government, and national and state licensing, credentialing,  
2 investigatory, disciplinary, and examination organizations; (ii) the  
3 current residential address and current residential telephone number of  
4 a health care provider governed under chapter 18.130 RCW maintained in  
5 the files of the department, if the provider requests that this  
6 information be withheld from public inspection and copying, and  
7 provides to the department an accurate alternate or business address  
8 and business telephone number. On or after January 1, 1995, the  
9 current residential address and residential telephone number of a  
10 health care provider governed under RCW 18.130.140 maintained in the  
11 files of the department shall automatically be withheld from public  
12 inspection and copying if the provider has provided the department with  
13 an accurate alternative or business address and telephone number.

14 ~~(x)~~ (y) Information obtained by the board of pharmacy as provided in  
15 RCW 69.45.090.

16 ~~((x))~~ (y) Information obtained by the board of pharmacy or the  
17 department of health and its representatives as provided in RCW  
18 69.41.044, 69.41.280, and 18.64.420.

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

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

28 ~~((aa))~~ (bb) Financial and valuable trade information under RCW  
29 51.36.120.

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

33 ~~((ee))~~ (dd) Information that identifies a person who, while an  
34 agency employee: (i) Seeks advice, under an informal process  
35 established by the employing agency, in order to ascertain his or her  
36 rights in connection with a possible unfair practice under chapter  
37 49.60 RCW against the person; and (ii) requests his or her identity or  
38 any identifying information not be disclosed.

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

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

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

17       (4) Agency responses refusing, in whole or in part, inspection of  
18 any public record shall include a statement of the specific exemption  
19 authorizing the withholding of the record (or part) and a brief  
20 explanation of how the exemption applies to the record withheld."

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