

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 2583**

53rd Legislature  
1994 Regular Session

Passed by the House March 5, 1994  
Yeas 95 Nays 0

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**Speaker of the  
House of Representatives**

Passed by the Senate March 3, 1994  
Yeas 46 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2583** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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HOUSE BILL 2583

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AS AMENDED BY THE SENATE

Passed Legislature - 1994 Regular Session

State of Washington                      53rd Legislature                      1994 Regular Session

By Representatives Veloria, Reams, Anderson, J. Kohl, Wood and Campbell

Read first time 01/19/94. Referred to Committee on State Government.

1            AN ACT Relating to disclosure of records; amending RCW 70.123.075;  
2 reenacting and amending RCW 42.17.310; and providing an effective date.

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

4            **Sec. 1.** RCW 70.123.075 and 1991 c 301 s 10 are each amended to  
5 read as follows:

6            (1) Client records maintained by domestic violence programs shall  
7 not be subject to discovery in any judicial proceeding unless:

8            ~~((1))~~ (a) A written pretrial motion is made to a court stating  
9 that discovery is requested of the client's domestic violence records;

10           ~~((2))~~ (b) The written motion is accompanied by an affidavit or  
11 affidavits setting forth specifically the reasons why discovery is  
12 requested of the domestic violence program's records;

13           ~~((3))~~ (c) The court reviews the domestic violence program's  
14 records in camera to determine whether the domestic violence program's  
15 records are relevant and whether the probative value of the records is  
16 outweighed by the victim's privacy interest in the confidentiality of  
17 such records, taking into account the further trauma that may be  
18 inflicted upon the victim by the disclosure of the records; and

1       (~~(4)~~) (d) The court enters an order stating whether the records  
2 or any part of the records are discoverable and setting forth the basis  
3 for the court's findings.

4       (2) For purposes of this section "domestic violence program" means  
5 a program that provides shelter, advocacy, or counseling services for  
6 domestic violence victims.

7       **Sec. 2.** RCW 42.17.310 and 1993 c 360 s 2, 1993 c 320 s 9, and 1993  
8 c 280 s 35 are each reenacted and amended to read as follows:

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

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

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

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

21       (d) Specific intelligence information and specific investigative  
22 records compiled by investigative, law enforcement, and penology  
23 agencies, and state agencies vested with the responsibility to  
24 discipline members of any profession, the nondisclosure of which is  
25 essential to effective law enforcement or for the protection of any  
26 person's right to privacy.

27       (e) Information revealing the identity of persons who are witnesses  
28 to or victims of crime or who file complaints with investigative, law  
29 enforcement, or penology agencies, other than the public disclosure  
30 commission, if disclosure would endanger any person's life, physical  
31 safety, or property. If at the time a complaint is filed the  
32 complainant, victim or witness indicates a desire for disclosure or  
33 nondisclosure, such desire shall govern. However, all complaints filed  
34 with the public disclosure commission about any elected official or  
35 candidate for public office must be made in writing and signed by the  
36 complainant under oath.

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

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

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

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

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

19 (k) Records, maps, or other information identifying the location of  
20 archaeological sites in order to avoid the looting or depredation of  
21 such sites.

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

25 (m) Financial information supplied by or on behalf of a person,  
26 firm, or corporation for the purpose of qualifying to submit a bid or  
27 proposal for (i) a ferry system construction or repair contract as  
28 required by RCW 47.60.680 through 47.60.750 or (ii) highway  
29 construction or improvement as required by RCW 47.28.070.

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

34 (o) Financial and commercial information and records supplied by  
35 private persons pertaining to export services provided pursuant to  
36 chapter 43.163 RCW and chapter 53.31 RCW.

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

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

4 (r) Financial and commercial information and records supplied by  
5 businesses during application for loans or program services provided by  
6 chapters 43.163, 43.160, 43.330, and 43.168 RCW.

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

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

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

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

22 (w)(i) The federal social security number of individuals governed  
23 under chapter 18.130 RCW maintained in the files of the department of  
24 health, except this exemption does not apply to requests made directly  
25 to the department from federal, state, and local agencies of  
26 government, and national and state licensing, credentialing,  
27 investigatory, disciplinary, and examination organizations; (ii) the  
28 current residential address and current residential telephone number of  
29 a health care provider governed under chapter 18.130 RCW maintained in  
30 the files of the department, if the provider requests that this  
31 information be withheld from public inspection and copying, and  
32 provides to the department an accurate alternate or business address  
33 and business telephone number. On or after January 1, 1995, the  
34 current residential address and residential telephone number of a  
35 health care provider governed under RCW 18.130.140 maintained in the  
36 files of the department shall automatically be withheld from public  
37 inspection and copying if the provider has provided the department with  
38 an accurate alternative or business address and telephone number.

1 (x) Information obtained by the board of pharmacy as provided in  
2 RCW 69.45.090.

3 (y) Information obtained by the board of pharmacy or the department  
4 of health and its representatives as provided in RCW 69.41.044,  
5 69.41.280, and 18.64.420.

6 (z) Financial information, business plans, examination reports, and  
7 any information produced or obtained in evaluating or examining a  
8 business and industrial development corporation organized or seeking  
9 certification under chapter 31.24 RCW.

10 (aa) Financial and commercial information supplied to the state  
11 investment board by any person when the information relates to the  
12 investment of public trust or retirement funds and when disclosure  
13 would result in loss to such funds or in private loss to the providers  
14 of this information.

15 (bb) Financial and valuable trade information under RCW 51.36.120.

16 (cc) Client records maintained by an agency that is a domestic  
17 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape  
18 crisis center as defined in RCW 70.125.030.

19 (dd) Information that identifies a person who, while an agency  
20 employee: (i) Seeks advice, under an informal process established by  
21 the employing agency, in order to ascertain his or her rights in  
22 connection with a possible unfair practice under chapter 49.60 RCW  
23 against the person; and (ii) requests his or her identity or any  
24 identifying information not be disclosed.

25 (ee) Investigative records compiled by an employing agency  
26 conducting a current investigation of a possible unfair practice under  
27 chapter 49.60 RCW or of a possible violation of other federal, state,  
28 or local laws prohibiting discrimination in employment.

29 (ff) Business related information protected from public inspection  
30 and copying under RCW 15.86.110.

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

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

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

11 NEW SECTION. **Sec. 3.** This act shall take effect July 1, 1994.

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