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

7 "Sec. 1. RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996
8 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as
9 follows:

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

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

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

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

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

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

1 candidate for public office must be made in writing and signed by the
2 complainant under oath.

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

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

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

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

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

23 (k) Records, maps, or other information identifying the location of
24 archaeological sites in order to avoid the looting or depredation of
25 such sites.

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

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

34 (n) Railroad company contracts filed prior to July 28, 1991, with
35 the utilities and transportation commission under then-existing RCW
36 81.34.070, except that the summaries of the contracts are open to
37 public inspection and copying as otherwise provided by this chapter.

38 (o) Financial and commercial information and records supplied by
39 private persons pertaining to export services provided pursuant to

1 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
2 export projects pursuant to RCW 43.23.035.

3 (p) Financial disclosures filed by private vocational schools under
4 chapters 28B.85 and 28C.10 RCW.

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

8 (r) Financial and commercial information and records supplied by
9 businesses or individuals during application for loans or program
10 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
11 or during application for economic development loans or program
12 services provided by any local agency.

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

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

21 (u) The residential addresses and residential telephone numbers of
22 employees or volunteers of a public agency which are held by the agency
23 in personnel records, employment or volunteer rosters, or mailing lists
24 of employees or volunteers.

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

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

1 current residential address and residential telephone number of a
2 health care provider governed under RCW 18.130.140 maintained in the
3 files of the department shall automatically be withheld from public
4 inspection and copying unless the provider specifically requests the
5 information be released, and except as provided for under RCW
6 42.17.260(9).

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

9 (y) Information obtained by the board of pharmacy or the department
10 of health and its representatives as provided in RCW 69.41.044,
11 69.41.280, and 18.64.420.

12 (z) Financial information, business plans, examination reports, and
13 any information produced or obtained in evaluating or examining a
14 business and industrial development corporation organized or seeking
15 certification under chapter 31.24 RCW.

16 (aa) Financial and commercial information supplied to the state
17 investment board by any person when the information relates to the
18 investment of public trust or retirement funds and when disclosure
19 would result in loss to such funds or in private loss to the providers
20 of this information.

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

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

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

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

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

37 (gg) Financial, commercial, operations, and technical and research
38 information and data submitted to or obtained by the clean Washington

1 center in applications for, or delivery of, program services under
2 chapter 70.95H RCW.

3 (hh) Information and documents created specifically for, and
4 collected and maintained by a quality improvement committee pursuant to
5 RCW 43.70.510, regardless of which agency is in possession of the
6 information and documents.

7 (ii) Personal information in files maintained in a data base
8 created under RCW 43.07.360.

9 (jj) The home addresses, telephone numbers, social security
10 numbers, and photographs of active or former state and local law
11 enforcement personnel, including correctional and correctional
12 probation officers, personnel of the department of social and health
13 services whose duties include the investigation of abuse, neglect,
14 exploitation, fraud, theft, or other criminal activities, and personnel
15 of the department of revenue or local governments whose
16 responsibilities include revenue collection and enforcement or child
17 support enforcement; the home addresses, telephone numbers, social
18 security numbers, photographs, and places of employment of the spouses
19 and children of such personnel; and the names and locations of schools
20 and day care facilities attended by the children of such personnel.

21 (2)(a) The individuals to which the information described in
22 subsection (1)(jj) of this section pertains must notify agencies if
23 they wish the information to be exempt from public inspection and
24 copying.

25 (b) The legislature recognizes the necessity of developing a
26 uniform and coordinated procedure. Therefore the secretary of state
27 may adopt rules to facilitate the administration and implementation of
28 the exemption in subsection (1)(jj) of this section.

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

37 ~~((3+))~~ (4) Inspection or copying of any specific records exempt
38 under the provisions of this section may be permitted if the superior
39 court in the county in which the record is maintained finds, after a

1 hearing with notice thereof to every person in interest and the agency,
2 that the exemption of such records is clearly unnecessary to protect
3 any individual's right of privacy or any vital governmental function.
4 ((+4)) (5) Agency responses refusing, in whole or in part,
5 inspection of any public record shall include a statement of the
6 specific exemption authorizing the withholding of the record (or part)
7 and a brief explanation of how the exemption applies to the record
8 withheld.

9 NEW SECTION. **Sec. 2.** This act takes effect January 1, 1998.

10 NEW SECTION. **Sec. 3.** If funding for the purposes of section 1 of
11 this act is not provided, this act is null and void."

12 **SHB 1505** - S COMM AMD
13 By Committee on Government Operations

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15 On page 1, line 1 of the title, after "disclosure;" strike the
16 remainder of the title and insert "reenacting and amending RCW
17 42.17.310; creating a new section; and providing an effective date."

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