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SECOND SUBSTITUTE HOUSE BILL 1392

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State of Washington

55th Legislature

1997 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Ballasiotes, Costa, Radcliff, O'Brien, Kessler, Blalock, Cody, Murray, Cole, Morris, Tokuda, Conway, Skinner, Johnson, Linville, Scott, Keiser, Cooper, Gombosky, Ogden and Anderson)

Read first time 03/10/97.

1 AN ACT Relating to the crime victims' compensation program;  
2 amending RCW 7.68.140; and reenacting and amending RCW 42.17.310.

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

4 **Sec. 1.** RCW 7.68.140 and 1975 1st ex.s. c 176 s 6 are each amended  
5 to read as follows:

6 Information contained in the claim files and records of victims,  
7 under the provisions of this chapter, shall be deemed confidential and  
8 shall not be open to public inspection: PROVIDED, That, except as  
9 limited by state or federal statutes or regulations, such information  
10 may be provided to public employees in the performance of their  
11 official duties: PROVIDED FURTHER, That except as otherwise limited by  
12 state or federal statutes or regulations a claimant or a representative  
13 of a claimant, be it an individual or an organization, may review a  
14 claim file or receive specific information therefrom upon the  
15 presentation of the signed authorization of the claimant: PROVIDED  
16 FURTHER, That physicians treating or examining victims claiming  
17 benefits under this chapter or physicians giving medical advice to the  
18 department regarding any claim may, at the discretion of the department  
19 and as not otherwise limited by state or federal statutes or

1 regulations, inspect the claim files and records of such victims, and  
2 other persons may, when rendering assistance to the department at any  
3 stage of the proceedings on any matter pertaining to the administration  
4 of this chapter, inspect the claim files and records of such victims at  
5 the discretion of the department and as not otherwise limited by state  
6 or federal statutes or regulations.

7 **Sec. 2.** 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  
36 candidate for public office must be made in writing and signed by the  
37 complainant under oath.

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

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

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

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

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

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

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

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

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

36 (o) Financial and commercial information and records supplied by  
37 private persons pertaining to export services provided pursuant to  
38 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to  
39 export projects pursuant to RCW 43.23.035.

1 (p) Financial disclosures filed by private vocational schools under  
2 chapters 28B.85 and 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 or individuals during application for loans or program  
8 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,  
9 or during application for economic development loans or program  
10 services provided by any local agency.

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

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

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

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

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

1 files of the department shall automatically be withheld from public  
2 inspection and copying unless the provider specifically requests the  
3 information be released, and except as provided for under RCW  
4 42.17.260(9).

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

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

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

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

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

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

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

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

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

35 (gg) Financial, commercial, operations, and technical and research  
36 information and data submitted to or obtained by the clean Washington  
37 center in applications for, or delivery of, program services under  
38 chapter 70.95H RCW.

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

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

7 (jj) Records maintained by the board of industrial insurance  
8 appeals that are related to appeals of crime victims' compensation  
9 claims filed with the board under RCW 7.68.110.

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

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

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

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