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HOUSE BILL 1504

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State of Washington

55th Legislature

1997 Regular Session

By Representatives McMorris, Boldt, Honeyford and Dunn

Read first time 01/29/97. Referred to Committee on Government Administration.

1 AN ACT Relating to public record protection; and reenacting and  
2 amending RCW 42.17.310.

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

4 **Sec. 1.** RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996  
5 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as  
6 follows:

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

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

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

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

1 (d) Specific intelligence information and specific investigative  
2 records compiled by investigative, law enforcement, and penology  
3 agencies, and state agencies vested with the responsibility to  
4 discipline members of any profession, the nondisclosure of which is  
5 essential to effective law enforcement or for the protection of any  
6 person's right to privacy.

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

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

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

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

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

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

37 (k) Records, maps, or other information identifying the location of  
38 archaeological sites in order to avoid the looting or depredation of  
39 such sites.

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

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

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

13 (o) Financial and commercial information and records supplied by  
14 private persons pertaining to export services provided pursuant to  
15 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to  
16 export projects pursuant to RCW 43.23.035.

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

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

22 (r) Financial and commercial information and records supplied by  
23 businesses or individuals during application for loans or program  
24 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,  
25 or during application for economic development loans or program  
26 services provided by any local agency.

27 (s) Membership lists or lists of members or owners of interests of  
28 units in timeshare projects, subdivisions, camping resorts,  
29 condominiums, land developments, or common-interest communities  
30 affiliated with such projects, regulated by the department of  
31 licensing, in the files or possession of the department.

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

35 (u) The residential addresses and residential telephone numbers of  
36 employees or volunteers of a public agency which are held by the agency  
37 in personnel records, employment or volunteer rosters, or mailing lists  
38 of employees or volunteers.

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

4 (w)(i) The federal social security number of individuals governed  
5 under chapter 18.130 RCW maintained in the files of the department of  
6 health, except this exemption does not apply to requests made directly  
7 to the department from federal, state, and local agencies of  
8 government, and national and state licensing, credentialing,  
9 investigatory, disciplinary, and examination organizations; (ii) the  
10 current residential address and current residential telephone number of  
11 a health care provider governed under chapter 18.130 RCW maintained in  
12 the files of the department, if the provider requests that this  
13 information be withheld from public inspection and copying, and  
14 provides to the department an accurate alternate or business address  
15 and business telephone number. On or after January 1, 1995, the  
16 current residential address and residential telephone number of a  
17 health care provider governed under RCW 18.130.140 maintained in the  
18 files of the department shall automatically be withheld from public  
19 inspection and copying unless the provider specifically requests the  
20 information be released, and except as provided for under RCW  
21 42.17.260(9).

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

24 (y) Information obtained by the board of pharmacy or the department  
25 of health and its representatives as provided in RCW 69.41.044,  
26 69.41.280, and 18.64.420.

27 (z) Financial information, business plans, examination reports, and  
28 any information produced or obtained in evaluating or examining a  
29 business and industrial development corporation organized or seeking  
30 certification under chapter 31.24 RCW.

31 (aa) Financial and commercial information supplied to the state  
32 investment board by any person when the information relates to the  
33 investment of public trust or retirement funds and when disclosure  
34 would result in loss to such funds or in private loss to the providers  
35 of this information.

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

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

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

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

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

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

17 (hh) Information and documents created specifically for, and  
18 collected and maintained by a quality improvement committee pursuant to  
19 RCW 43.70.510, regardless of which agency is in possession of the  
20 information and documents.

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

23 (jj) Records the disclosure of which would reveal, directly or  
24 indirectly, the strategy or position to be taken by an agency during  
25 the course of any collective bargaining, professional negotiations, or  
26 grievance or mediation proceedings.

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

35 (3) Inspection or copying of any specific records exempt under the  
36 provisions of this section may be permitted if the superior court in  
37 the county in which the record is maintained finds, after a hearing  
38 with notice thereof to every person in interest and the agency, that

1 the exemption of such records is clearly unnecessary to protect any  
2 individual's right of privacy or any vital governmental function.

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

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