
SENATE BILL 5967

State of Washington

55th Legislature

1997 Regular Session

By Senator Stevens

Read first time 02/24/97. Referred to Committee on Government Operations.

1 AN ACT Relating to disclosure of public records; 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. Investigative records exempt under this
7 subsection (1)(d) do not include records pertaining to the abuse of a
8 child or the investigation of the abuse of a child if:

9 (i) The subject of the report has been charged in an accusatory
10 instrument with committing a crime;

11 (ii) There has been a prior knowing, voluntary public disclosure by
12 an individual concerning a report of child abuse in which such
13 individual is named as the subject of the report; or

14 (iii) The child named in the report has died.

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

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

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

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

37 (i) Preliminary drafts, notes, recommendations, and intra-agency
38 memorandums in which opinions are expressed or policies formulated or

1 recommended except that a specific record shall not be exempt when
2 publicly cited by an agency in connection with any agency action.

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

7 (k) Records, maps, or other information identifying the location of
8 archaeological sites in order to avoid the looting or depredation of
9 such sites.

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

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

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

22 (o) Financial and commercial information and records supplied by
23 private persons pertaining to export services provided pursuant to
24 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
25 export projects pursuant to RCW 43.23.035.

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

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

31 (r) Financial and commercial information and records supplied by
32 businesses or individuals during application for loans or program
33 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
34 or during application for economic development loans or program
35 services provided by any local agency.

36 (s) Membership lists or lists of members or owners of interests of
37 units in timeshare projects, subdivisions, camping resorts,
38 condominiums, land developments, or common-interest communities

1 affiliated with such projects, regulated by the department of
2 licensing, in the files or possession of the department.

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

6 (u) The residential addresses and residential telephone numbers of
7 employees or volunteers of a public agency which are held by the agency
8 in personnel records, employment or volunteer rosters, or mailing lists
9 of employees or volunteers.

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

13 (w)(i) The federal social security number of individuals governed
14 under chapter 18.130 RCW maintained in the files of the department of
15 health, except this exemption does not apply to requests made directly
16 to the department from federal, state, and local agencies of
17 government, and national and state licensing, credentialing,
18 investigatory, disciplinary, and examination organizations; (ii) the
19 current residential address and current residential telephone number of
20 a health care provider governed under chapter 18.130 RCW maintained in
21 the files of the department, if the provider requests that this
22 information be withheld from public inspection and copying, and
23 provides to the department an accurate alternate or business address
24 and business telephone number. On or after January 1, 1995, the
25 current residential address and residential telephone number of a
26 health care provider governed under RCW 18.130.140 maintained in the
27 files of the department shall automatically be withheld from public
28 inspection and copying unless the provider specifically requests the
29 information be released, and except as provided for under RCW
30 42.17.260(9).

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

33 (y) Information obtained by the board of pharmacy or the department
34 of health and its representatives as provided in RCW 69.41.044,
35 69.41.280, and 18.64.420.

36 (z) Financial information, business plans, examination reports, and
37 any information produced or obtained in evaluating or examining a
38 business and industrial development corporation organized or seeking
39 certification under chapter 31.24 RCW.

1 (aa) Financial and commercial information supplied to the state
2 investment board by any person when the information relates to the
3 investment of public trust or retirement funds and when disclosure
4 would result in loss to such funds or in private loss to the providers
5 of this information.

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

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

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

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

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

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

26 (hh) Information and documents created specifically for, and
27 collected and maintained by a quality improvement committee pursuant to
28 RCW 43.70.510, regardless of which agency is in possession of the
29 information and documents.

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

32 (2) Except for information described in subsection (1)(c)(i) of
33 this section and confidential income data exempted from public
34 inspection pursuant to RCW 84.40.020, the exemptions of this section
35 are inapplicable to the extent that information, the disclosure of
36 which would violate personal privacy or vital governmental interests,
37 can be deleted from the specific records sought. No exemption may be
38 construed to permit the nondisclosure of statistical information not
39 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.

--- END ---