

SHB 1569 - H AMD 774

By Representative Haigh

ADOPTED 02/11/2004

1 Beginning on page 1, line 15, strike all of section 2 and insert  
2 the following:

3 "Sec. 2. RCW 42.17.310 and 2003 1st sp.s. c 26 s 926, 2003 c 277  
4 s 3, and 2003 c 124 s 1 are each reenacted and amended to read as  
5 follows:

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

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

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

13 (c) Information required of any taxpayer in connection with the  
14 assessment or collection of any tax if the disclosure of the  
15 information to other persons would (i) be prohibited to such persons by  
16 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the  
17 taxpayer's right to privacy or result in unfair competitive  
18 disadvantage to the taxpayer.

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

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

1 with the public disclosure commission about any elected official or  
2 candidate for public office must be made in writing and signed by the  
3 complainant under oath.

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

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

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

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

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

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

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

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

36 (n) Railroad company contracts filed prior to July 28, 1991, with

1 the utilities and transportation commission under RCW 81.34.070, except  
2 that the summaries of the contracts are open to public inspection and  
3 copying as otherwise provided by this chapter.

4 (o) Financial and commercial information and records supplied by  
5 private persons pertaining to export services provided pursuant to  
6 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to  
7 export projects pursuant to RCW 43.23.035.

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

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

13 (r) Financial and commercial information and records supplied by  
14 businesses or individuals during application for loans or program  
15 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,  
16 or during application for economic development loans or program  
17 services provided by any local agency.

18 (s) Membership lists or lists of members or owners of interests of  
19 units in timeshare projects, subdivisions, camping resorts,  
20 condominiums, land developments, or common-interest communities  
21 affiliated with such projects, regulated by the department of  
22 licensing, in the files or possession of the department.

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

26 (u) The residential addresses or residential telephone numbers of  
27 employees or volunteers of a public agency which are held by any public  
28 agency in personnel records, public employment related records, or  
29 volunteer rosters, or are included in any mailing list of employees or  
30 volunteers of any public agency.

31 (v) The residential addresses and residential telephone numbers of  
32 the customers of a public utility contained in the records or lists  
33 held by the public utility of which they are customers, except that  
34 this information may be released to the division of child support or  
35 the agency or firm providing child support enforcement for another  
36 state under Title IV-D of the federal social security act, for the  
37 establishment, enforcement, or modification of a support order.

1 (w)(i) The federal social security number of individuals governed  
2 under chapter 18.130 RCW maintained in the files of the department of  
3 health, except this exemption does not apply to requests made directly  
4 to the department from federal, state, and local agencies of  
5 government, and national and state licensing, credentialing,  
6 investigatory, disciplinary, and examination organizations; (ii) the  
7 current residential address and current residential telephone number of  
8 a health care provider governed under chapter 18.130 RCW maintained in  
9 the files of the department, if the provider requests that this  
10 information be withheld from public inspection and copying, and  
11 provides to the department an accurate alternate or business address  
12 and business telephone number. On or after January 1, 1995, the  
13 current residential address and residential telephone number of a  
14 health care provider governed under RCW 18.130.040 maintained in the  
15 files of the department shall automatically be withheld from public  
16 inspection and copying unless the provider specifically requests the  
17 information be released, and except as provided for under RCW  
18 42.17.260(9).

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

21 (y) Information obtained by the board of pharmacy or the department  
22 of health and its representatives as provided in RCW 69.41.044,  
23 69.41.280, and 18.64.420.

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

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

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

34 (cc) Client records maintained by an agency that is a domestic  
35 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape  
36 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 or 70.41.200, or by a peer review committee under RCW  
20 4.24.250, regardless of which agency is in possession of the  
21 information and documents.

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

24 (jj) Financial and commercial information requested by the public  
25 stadium authority from any person or organization that leases or uses  
26 the stadium and exhibition center as defined in RCW 36.102.010.

27 (kk) Names of individuals residing in emergency or transitional  
28 housing that are furnished to the department of revenue or a county  
29 assessor in order to substantiate a claim for property tax exemption  
30 under RCW 84.36.043.

31 (ll) The names, residential addresses, residential telephone  
32 numbers, and other individually identifiable records held by an agency  
33 in relation to a vanpool, carpool, or other ride-sharing program or  
34 service. However, these records may be disclosed to other persons who  
35 apply for ride-matching services and who need that information in order  
36 to identify potential riders or drivers with whom to share rides.

1 (mm) The personally identifying information of current or former  
2 participants or applicants in a paratransit or other transit service  
3 operated for the benefit of persons with disabilities or elderly  
4 persons.

5 (nn) The personally identifying information of persons who acquire  
6 and use transit passes and other fare payment media including, but not  
7 limited to, stored value smart cards and magnetic strip cards, except  
8 that an agency may disclose this information to a person, employer,  
9 educational institution, or other entity that is responsible, in whole  
10 or in part, for payment of the cost of acquiring or using a transit  
11 pass or other fare payment media, or to the news media when reporting  
12 on public transportation or public safety. This information may also  
13 be disclosed at the agency's discretion to governmental agencies or  
14 groups concerned with public transportation or public safety.

15 (oo) Proprietary financial and commercial information that the  
16 submitting entity, with review by the department of health,  
17 specifically identifies at the time it is submitted and that is  
18 provided to or obtained by the department of health in connection with  
19 an application for, or the supervision of, an antitrust exemption  
20 sought by the submitting entity under RCW 43.72.310. If a request for  
21 such information is received, the submitting entity must be notified of  
22 the request. Within ten business days of receipt of the notice, the  
23 submitting entity shall provide a written statement of the continuing  
24 need for confidentiality, which shall be provided to the requester.  
25 Upon receipt of such notice, the department of health shall continue to  
26 treat information designated under this section as exempt from  
27 disclosure. If the requester initiates an action to compel disclosure  
28 under this chapter, the submitting entity must be joined as a party to  
29 demonstrate the continuing need for confidentiality.

30 (pp) Records maintained by the board of industrial insurance  
31 appeals that are related to appeals of crime victims' compensation  
32 claims filed with the board under RCW 7.68.110.

33 (qq) Financial and commercial information supplied by or on behalf  
34 of a person, firm, corporation, or entity under chapter 28B.95 RCW  
35 relating to the purchase or sale of tuition units and contracts for the  
36 purchase of multiple tuition units.

1 (rr) Any records of investigative reports prepared by any state,  
2 county, municipal, or other law enforcement agency pertaining to sex  
3 offenses contained in chapter 9A.44 RCW or sexually violent offenses as  
4 defined in RCW 71.09.020, which have been transferred to the Washington  
5 association of sheriffs and police chiefs for permanent electronic  
6 retention and retrieval pursuant to RCW 40.14.070(2)(b).

7 (ss) Credit card numbers, debit card numbers, electronic check  
8 numbers, card expiration dates, or bank or other financial account  
9 numbers, except when disclosure is expressly required by or governed by  
10 other law.

11 (tt) Financial information, including but not limited to account  
12 numbers and values, and other identification numbers supplied by or on  
13 behalf of a person, firm, corporation, limited liability company,  
14 partnership, or other entity related to an application for a liquor  
15 license, gambling license, or lottery retail license.

16 (uu) Records maintained by the employment security department and  
17 subject to chapter 50.13 RCW if provided to another individual or  
18 organization for operational, research, or evaluation purposes.

19 (vv) Individually identifiable information received by the work  
20 force training and education coordinating board for research or  
21 evaluation purposes.

22 (ww) Those portions of records assembled, prepared, or maintained  
23 to prevent, mitigate, or respond to criminal terrorist acts, which are  
24 acts that significantly disrupt the conduct of government or of the  
25 general civilian population of the state or the United States and that  
26 manifest an extreme indifference to human life, the public disclosure  
27 of which would have a substantial likelihood of threatening public  
28 safety, consisting of:

29 (i) Specific and unique vulnerability assessments or specific and  
30 unique response or deployment plans, including compiled underlying data  
31 collected in preparation of or essential to the assessments, or to the  
32 response or deployment plans; and

33 (ii) Records not subject to public disclosure under federal law  
34 that are shared by federal or international agencies, and information  
35 prepared from national security briefings provided to state or local  
36 government officials related to domestic preparedness for acts of  
37 terrorism.

1 (xx) Commercial fishing catch data from logbooks required to be  
2 provided to the department of fish and wildlife under RCW 77.12.047,  
3 when the data identifies specific catch location, timing, or  
4 methodology and the release of which would result in unfair competitive  
5 disadvantage to the commercial fisher providing the catch data.  
6 However, this information may be released to government agencies  
7 concerned with the management of fish and wildlife resources.

8 (yy) Sensitive wildlife data obtained by the department of fish and  
9 wildlife. However, sensitive wildlife data may be released to  
10 government agencies concerned with the management of fish and wildlife  
11 resources. Sensitive wildlife data includes:

12 (i) The nesting sites or specific locations of endangered species  
13 designated under RCW 77.12.020, or threatened or sensitive species  
14 classified by rule of the department of fish and wildlife;

15 (ii) Radio frequencies used in, or locational data generated by,  
16 telemetry studies; or

17 (iii) Other location data that could compromise the viability of a  
18 specific fish or wildlife population, and where at least one of the  
19 following criteria are met:

20 (A) The species has a known commercial or black market value;

21 (B) There is a history of malicious take of that species; or

22 (C) There is a known demand to visit, take, or disturb, and the  
23 species behavior or ecology renders it especially vulnerable or the  
24 species has an extremely limited distribution and concentration.

25 (zz) The personally identifying information of persons who acquire  
26 recreational licenses under RCW 77.32.010 or commercial licenses under  
27 chapter 77.65 or 77.70 RCW, except name, address of contact used by the  
28 department, and type of license, endorsement, or tag. However, the  
29 department of fish and wildlife may disclose personally identifying  
30 information to:

31 (i) Government agencies concerned with the management of fish and  
32 wildlife resources;

33 (ii) The department of social and health services, child support  
34 division, and to the department of licensing in order to implement RCW  
35 77.32.014 and 46.20.291; and

36 (iii) Law enforcement agencies for the purpose of firearm  
37 possession enforcement under RCW 9.41.040.

1 (aaa)(i) Discharge papers of a veteran of the armed forces of the  
2 United States filed at the office of the county auditor before July 1,  
3 2002, that have not been commingled with other recorded documents.  
4 These records will be available only to the veteran, the veteran's next  
5 of kin, a deceased veteran's properly appointed personal representative  
6 or executor, a person holding that veteran's general power of attorney,  
7 or to anyone else designated in writing by that veteran to receive the  
8 records.

9 (ii) Discharge papers of a veteran of the armed forces of the  
10 United States filed at the office of the county auditor before July 1,  
11 2002, that have been commingled with other records, if the veteran has  
12 recorded a "request for exemption from public disclosure of discharge  
13 papers" with the county auditor. If such a request has been recorded,  
14 these records may be released only to the veteran filing the papers,  
15 the veteran's next of kin, a deceased veteran's properly appointed  
16 personal representative or executor, a person holding the veteran's  
17 general power of attorney, or anyone else designated in writing by the  
18 veteran to receive the records.

19 (iii) Discharge papers of a veteran filed at the office of the  
20 county auditor after June 30, 2002, are not public records, but will be  
21 available only to the veteran, the veteran's next of kin, a deceased  
22 veteran's properly appointed personal representative or executor, a  
23 person holding the veteran's general power of attorney, or anyone else  
24 designated in writing by the veteran to receive the records.

25 (iv) For the purposes of this subsection (1)(aaa), next of kin of  
26 deceased veterans have the same rights to full access to the record.  
27 Next of kin are the veteran's widow or widower who has not remarried,  
28 son, daughter, father, mother, brother, and sister.

29 (bbb) Those portions of records containing specific and unique  
30 vulnerability assessments or specific and unique emergency and escape  
31 response plans at a city, county, or state adult or juvenile  
32 correctional facility, the public disclosure of which would have a  
33 substantial likelihood of threatening the security of a city, county,  
34 or state adult or juvenile correctional facility or any individual's  
35 safety.

36 (ccc) Information compiled by school districts or schools in the

1 development of their comprehensive safe school plans pursuant to RCW  
2 28A.320.125, to the extent that they identify specific vulnerabilities  
3 of school districts and each individual school.

4 (ddd) Information regarding the infrastructure and security of  
5 computer and telecommunications networks, consisting of security  
6 passwords, security access codes and programs, access codes for secure  
7 software applications, security and service recovery plans, security  
8 risk assessments, and security test results to the extent that they  
9 identify specific system vulnerabilities.

10 (eee) Information obtained and exempted or withheld from public  
11 inspection by the health care authority under RCW 41.05.026, whether  
12 retained by the authority, transferred to another state purchased  
13 health care program by the authority, or transferred by the authority  
14 to a technical review committee created to facilitate the development,  
15 acquisition, or implementation of state purchased health care under  
16 chapter 41.05 RCW.

17 (fff) Proprietary data, trade secrets, or other information that  
18 relates to: (i) A vendor's unique methods of conducting business; (ii)  
19 data unique to the product or services of the vendor; or (iii)  
20 determining prices or rates to be charged for services, submitted by  
21 any vendor to the department of social and health services for purposes  
22 of the development, acquisition, or implementation of state purchased  
23 health care as defined in RCW 41.05.011.

24 (ggg) Proprietary information deemed confidential for the purposes  
25 of section 923, chapter 26, Laws of 2003 1st sp. sess.

26 (hhh) Trade secrets, as defined in RCW 19.108.010, or other  
27 proprietary information submitted by a bidder, offeror, or contractor  
28 in connection with a public works project as defined in chapter 39.04  
29 RCW if the bidder, offeror, or contractor specifically states in  
30 writing the reasons why protection is necessary, and identifies the  
31 data or materials to be protected.

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,

1 can be deleted from the specific records sought. No exemption may be  
2 construed to permit the nondisclosure of statistical information not  
3 descriptive of any readily identifiable person or persons.

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

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

14 **Sec. 3.** RCW 42.17.310 and 2003 c 277 s 3 and 2003 c 124 s 1 are  
15 each reenacted and amended to read as follows:

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

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21 appointees, or elected officials of any public agency to the extent  
22 that disclosure would violate their right to privacy.

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24 assessment or collection of any tax if the disclosure of the  
25 information to other persons would (i) be prohibited to such persons by  
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27 taxpayer's right to privacy or result in unfair competitive  
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31 archaeological sites in order to avoid the looting or depredation of  
32 such sites.

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28 applicants, resumes, and other related materials submitted with respect  
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32 agency in personnel records, public employment related records, or  
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13 or local laws prohibiting discrimination in employment.

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

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

20 (hh) Information and documents created specifically for, and  
21 collected and maintained by a quality improvement committee pursuant to  
22 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW  
23 4.24.250, regardless of which agency is in possession of the  
24 information and documents.

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

27 (jj) Financial and commercial information requested by the public  
28 stadium authority from any person or organization that leases or uses  
29 the stadium and exhibition center as defined in RCW 36.102.010.

30 (kk) Names of individuals residing in emergency or transitional  
31 housing that are furnished to the department of revenue or a county  
32 assessor in order to substantiate a claim for property tax exemption  
33 under RCW 84.36.043.

34 (ll) The names, residential addresses, residential telephone  
35 numbers, and other individually identifiable records held by an agency  
36 in relation to a vanpool, carpool, or other ride-sharing program or

1 service. However, these records may be disclosed to other persons who  
2 apply for ride-matching services and who need that information in order  
3 to identify potential riders or drivers with whom to share rides.

4 (mm) The personally identifying information of current or former  
5 participants or applicants in a paratransit or other transit service  
6 operated for the benefit of persons with disabilities or elderly  
7 persons.

8 (nn) The personally identifying information of persons who acquire  
9 and use transit passes and other fare payment media including, but not  
10 limited to, stored value smart cards and magnetic strip cards, except  
11 that an agency may disclose this information to a person, employer,  
12 educational institution, or other entity that is responsible, in whole  
13 or in part, for payment of the cost of acquiring or using a transit  
14 pass or other fare payment media, or to the news media when reporting  
15 on public transportation or public safety. This information may also  
16 be disclosed at the agency's discretion to governmental agencies or  
17 groups concerned with public transportation or public safety.

18 (oo) Proprietary financial and commercial information that the  
19 submitting entity, with review by the department of health,  
20 specifically identifies at the time it is submitted and that is  
21 provided to or obtained by the department of health in connection with  
22 an application for, or the supervision of, an antitrust exemption  
23 sought by the submitting entity under RCW 43.72.310. If a request for  
24 such information is received, the submitting entity must be notified of  
25 the request. Within ten business days of receipt of the notice, the  
26 submitting entity shall provide a written statement of the continuing  
27 need for confidentiality, which shall be provided to the requester.  
28 Upon receipt of such notice, the department of health shall continue to  
29 treat information designated under this section as exempt from  
30 disclosure. If the requester initiates an action to compel disclosure  
31 under this chapter, the submitting entity must be joined as a party to  
32 demonstrate the continuing need for confidentiality.

33 (pp) Records maintained by the board of industrial insurance  
34 appeals that are related to appeals of crime victims' compensation  
35 claims filed with the board under RCW 7.68.110.

36 (qq) Financial and commercial information supplied by or on behalf

1 of a person, firm, corporation, or entity under chapter 28B.95 RCW  
2 relating to the purchase or sale of tuition units and contracts for the  
3 purchase of multiple tuition units.

4 (rr) Any records of investigative reports prepared by any state,  
5 county, municipal, or other law enforcement agency pertaining to sex  
6 offenses contained in chapter 9A.44 RCW or sexually violent offenses as  
7 defined in RCW 71.09.020, which have been transferred to the Washington  
8 association of sheriffs and police chiefs for permanent electronic  
9 retention and retrieval pursuant to RCW 40.14.070(2)(b).

10 (ss) Credit card numbers, debit card numbers, electronic check  
11 numbers, card expiration dates, or bank or other financial account  
12 numbers, except when disclosure is expressly required by or governed by  
13 other law.

14 (tt) Financial information, including but not limited to account  
15 numbers and values, and other identification numbers supplied by or on  
16 behalf of a person, firm, corporation, limited liability company,  
17 partnership, or other entity related to an application for a liquor  
18 license, gambling license, or lottery retail license.

19 (uu) Records maintained by the employment security department and  
20 subject to chapter 50.13 RCW if provided to another individual or  
21 organization for operational, research, or evaluation purposes.

22 (vv) Individually identifiable information received by the work  
23 force training and education coordinating board for research or  
24 evaluation purposes.

25 (ww) Those portions of records assembled, prepared, or maintained  
26 to prevent, mitigate, or respond to criminal terrorist acts, which are  
27 acts that significantly disrupt the conduct of government or of the  
28 general civilian population of the state or the United States and that  
29 manifest an extreme indifference to human life, the public disclosure  
30 of which would have a substantial likelihood of threatening public  
31 safety, consisting of:

32 (i) Specific and unique vulnerability assessments or specific and  
33 unique response or deployment plans, including compiled underlying data  
34 collected in preparation of or essential to the assessments, or to the  
35 response or deployment plans; and

36 (ii) Records not subject to public disclosure under federal law  
37 that are shared by federal or international agencies, and information

1 prepared from national security briefings provided to state or local  
2 government officials related to domestic preparedness for acts of  
3 terrorism.

4 (xx) Commercial fishing catch data from logbooks required to be  
5 provided to the department of fish and wildlife under RCW 77.12.047,  
6 when the data identifies specific catch location, timing, or  
7 methodology and the release of which would result in unfair competitive  
8 disadvantage to the commercial fisher providing the catch data.  
9 However, this information may be released to government agencies  
10 concerned with the management of fish and wildlife resources.

11 (yy) Sensitive wildlife data obtained by the department of fish and  
12 wildlife. However, sensitive wildlife data may be released to  
13 government agencies concerned with the management of fish and wildlife  
14 resources. Sensitive wildlife data includes:

15 (i) The nesting sites or specific locations of endangered species  
16 designated under RCW 77.12.020, or threatened or sensitive species  
17 classified by rule of the department of fish and wildlife;

18 (ii) Radio frequencies used in, or locational data generated by,  
19 telemetry studies; or

20 (iii) Other location data that could compromise the viability of a  
21 specific fish or wildlife population, and where at least one of the  
22 following criteria are met:

23 (A) The species has a known commercial or black market value;

24 (B) There is a history of malicious take of that species; or

25 (C) There is a known demand to visit, take, or disturb, and the  
26 species behavior or ecology renders it especially vulnerable or the  
27 species has an extremely limited distribution and concentration.

28 (zz) The personally identifying information of persons who acquire  
29 recreational licenses under RCW 77.32.010 or commercial licenses under  
30 chapter 77.65 or 77.70 RCW, except name, address of contact used by the  
31 department, and type of license, endorsement, or tag. However, the  
32 department of fish and wildlife may disclose personally identifying  
33 information to:

34 (i) Government agencies concerned with the management of fish and  
35 wildlife resources;

36 (ii) The department of social and health services, child support

1 division, and to the department of licensing in order to implement RCW  
2 77.32.014 and 46.20.291; and

3 (iii) Law enforcement agencies for the purpose of firearm  
4 possession enforcement under RCW 9.41.040.

5 (aaa)(i) Discharge papers of a veteran of the armed forces of the  
6 United States filed at the office of the county auditor before July 1,  
7 2002, that have not been commingled with other recorded documents.  
8 These records will be available only to the veteran, the veteran's next  
9 of kin, a deceased veteran's properly appointed personal representative  
10 or executor, a person holding that veteran's general power of attorney,  
11 or to anyone else designated in writing by that veteran to receive the  
12 records.

13 (ii) Discharge papers of a veteran of the armed forces of the  
14 United States filed at the office of the county auditor before July 1,  
15 2002, that have been commingled with other records, if the veteran has  
16 recorded a "request for exemption from public disclosure of discharge  
17 papers" with the county auditor. If such a request has been recorded,  
18 these records may be released only to the veteran filing the papers,  
19 the veteran's next of kin, a deceased veteran's properly appointed  
20 personal representative or executor, a person holding the veteran's  
21 general power of attorney, or anyone else designated in writing by the  
22 veteran to receive the records.

23 (iii) Discharge papers of a veteran filed at the office of the  
24 county auditor after June 30, 2002, are not public records, but will be  
25 available only to the veteran, the veteran's next of kin, a deceased  
26 veteran's properly appointed personal representative or executor, a  
27 person holding the veteran's general power of attorney, or anyone else  
28 designated in writing by the veteran to receive the records.

29 (iv) For the purposes of this subsection (1)(aaa), next of kin of  
30 deceased veterans have the same rights to full access to the record.  
31 Next of kin are the veteran's widow or widower who has not remarried,  
32 son, daughter, father, mother, brother, and sister.

33 (bbb) Those portions of records containing specific and unique  
34 vulnerability assessments or specific and unique emergency and escape  
35 response plans at a city, county, or state adult or juvenile  
36 correctional facility, the public disclosure of which would have a

1 substantial likelihood of threatening the security of a city, county,  
2 or state adult or juvenile correctional facility or any individual's  
3 safety.

4 (ccc) Information compiled by school districts or schools in the  
5 development of their comprehensive safe school plans pursuant to RCW  
6 28A.320.125, to the extent that they identify specific vulnerabilities  
7 of school districts and each individual school.

8 (ddd) Information regarding the infrastructure and security of  
9 computer and telecommunications networks, consisting of security  
10 passwords, security access codes and programs, access codes for secure  
11 software applications, security and service recovery plans, security  
12 risk assessments, and security test results to the extent that they  
13 identify specific system vulnerabilities.

14 (eee) Information obtained and exempted or withheld from public  
15 inspection by the health care authority under RCW 41.05.026, whether  
16 retained by the authority, transferred to another state purchased  
17 health care program by the authority, or transferred by the authority  
18 to a technical review committee created to facilitate the development,  
19 acquisition, or implementation of state purchased health care under  
20 chapter 41.05 RCW.

21 (fff) Proprietary data, trade secrets, or other information that  
22 relates to: (i) A vendor's unique methods of conducting business; (ii)  
23 data unique to the product or services of the vendor; or (iii)  
24 determining prices or rates to be charged for services, submitted by  
25 any vendor to the department of social and health services for purposes  
26 of the development, acquisition, or implementation of state purchased  
27 health care as defined in RCW 41.05.011.

28 (ggg) Trade secrets, as defined in RCW 19.108.010, or other  
29 proprietary information submitted by a bidder, offeror, or contractor  
30 in connection with a public works project as defined in chapter 39.04  
31 RCW if the bidder, offeror, or contractor specifically states in  
32 writing the reasons why protection is necessary, and identifies the  
33 data or materials to be protected.

34 (2) Except for information described in subsection (1)(c)(i) of  
35 this section and confidential income data exempted from public  
36 inspection pursuant to RCW 84.40.020, the exemptions of this section  
37 are inapplicable to the extent that information, the disclosure of

1 which would violate personal privacy or vital governmental interests,  
2 can be deleted from the specific records sought. No exemption may be  
3 construed to permit the nondisclosure of statistical information not  
4 descriptive of any readily identifiable person or persons.

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

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

15 NEW SECTION. **Sec. 4.** Section 2 of this act expires June 30, 2005.

16 NEW SECTION. **Sec. 5.** Section 3 of this act takes effect June 30,  
17 2005."

18 Correct the title.

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