
HOUSE BILL 2558

State of Washington

58th Legislature

2004 Regular Session

By Representatives Lovick, Carrell, O'Brien, Darneille, Kagi, Miloscia and Rockefeller

Read first time 01/16/2004. Referred to Committee on Judiciary.

1 AN ACT Relating to protection of personal and identifying
2 information; amending RCW 65.04.110; reenacting and amending RCW
3 42.17.310 and 42.17.310; adding a new section to chapter 40.14 RCW;
4 creating a new section; providing an effective date; and providing an
5 expiration date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds placement of
8 electronic records on the internet and web sites has increased the
9 general public's access to records at unprecedented levels. Available
10 records may contain personal and identifying information, such as
11 residential addresses, telephone numbers, and social security numbers.
12 Document identification and security mechanisms to restrict release of
13 personal and identifying information contained in official public
14 records lag behind advancements in electronic dissemination. Members
15 of the public may be unaware that documents containing personal and
16 identifying information are increasingly placed on searchable web
17 sites. Increased access to personal and identifying information has
18 resulted in dramatic increases in identity theft.

1 The legislature also finds release of personal and identifying
2 information specifically linked to the name and job title of employees
3 in the criminal justice and judicial systems may increase exposure of
4 those individuals and their families to identity theft, harassment, or
5 physical harm. The legislature finds the public's legitimate right to
6 hold public employees accountable can be achieved without access to and
7 dissemination of personal and identifying information that may subject
8 an employee and that employee's family to an increased danger of
9 physical harm, identity theft, or harassment.

10 This act is intended to assist employees of the criminal justice
11 and court systems to limit release of personal and identifying
12 information to the general public.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 40.14 RCW
14 to read as follows:

15 (1) An employee of the criminal justice or court system may request
16 a local or state official or agency to redact personal and identifying
17 information contained in accessible official public records.

18 (2) Upon receipt of the request, the agency shall redact the
19 personal and identifying information contained in the agency's
20 accessible official public records. The agency shall retain the
21 original nonredacted version of the public record. If the record
22 containing the personal and identifying information is on the agency's
23 web site, the agency has the option of removing the electronic version
24 of the record from the internet and web site.

25 (3) The agency may charge the requestor a reasonable fee to perform
26 the services requested in subsection (2) of this section not to exceed
27 twenty-five cents per page or five dollars per document, whichever is
28 greater. The local legislative authority may change the fees by
29 ordinance not to exceed the actual cost of performing the service.

30 (4) An agency that complies with the request is immune from
31 liability for complying with the request. An agency is also immune
32 from liability for making errors in attempting to comply with the
33 request if the agency made a good faith effort to comply.

34 (5) A request regarding one record or set of records does not
35 impose an ongoing obligation to redact personal and identifying
36 information from records filed with or maintained by the agency after
37 the date of the request.

1 (6) This section does not apply if a court order or statute
2 provides the record or type of record must be accessible to the general
3 public without redaction of personal and identifying information.

4 (7) For the purposes of this section:

5 (a) "Employee of the criminal justice or court system" means any
6 person, other than an elected official, who is employed by or
7 volunteers for a local, state, or federal law enforcement agency, jail
8 or corrections agency, prosecutor's office, or court.

9 (b) "Personal and identifying information" means residential
10 addresses, residential telephone numbers, personal cellular telephone
11 numbers, social security numbers, personal electronic mail addresses,
12 personal credit and debit card numbers, electronic check numbers, card
13 expiration dates, other personal bank or other financial account
14 numbers, and photographs.

15 (c) "Official public records" has the same meaning as provided in
16 RCW 40.14.010, and applies to public records required by law to be
17 filed with or kept by local government agencies and officials as well
18 as state agencies.

19 (d) "Accessible official public records" means public records that
20 the general public can access, electronically, through the internet, on
21 the agency's web site, in person, or by mail, without filing a public
22 disclosure request.

23 **Sec. 3.** RCW 42.17.310 and 2003 1st sp.s. c 26 s 926, 2003 c 277 s
24 3, and 2003 c 124 s 1 are each reenacted and amended to read as
25 follows:

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

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

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

33 (c) Information required of any taxpayer in connection with the
34 assessment or collection of any tax if the disclosure of the
35 information to other persons would (i) be prohibited to such persons by
36 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the

1 taxpayer's right to privacy or result in unfair competitive
2 disadvantage to the taxpayer.

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

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

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

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

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

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

36 (j) Records which are relevant to a controversy to which an agency
37 is a party but which records would not be available to another party

1 under the rules of pretrial discovery for causes pending in the
2 superior courts.

3 (k) Records, maps, or other information identifying the location of
4 archaeological sites in order to avoid the looting or depredation of
5 such sites.

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

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

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

18 (o) Financial and commercial information and records supplied by
19 private persons pertaining to export services provided pursuant to
20 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
21 export projects pursuant to RCW 43.23.035.

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

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

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

32 (s) Membership lists or lists of members or owners of interests of
33 units in timeshare projects, subdivisions, camping resorts,
34 condominiums, land developments, or common-interest communities
35 affiliated with such projects, regulated by the department of
36 licensing, in the files or possession of the department.

37 (t) All applications for public employment, including the names of

1 applicants, resumes, and other related materials submitted with respect
2 to an applicant.

3 (u) The residential addresses ~~((or))~~, residential telephone
4 numbers, personal cellular telephone numbers, social security numbers,
5 and personal electronic mail addresses of employees or volunteers of a
6 public agency which are held by any public agency in personnel records,
7 public employment related records, or volunteer rosters, or are
8 included in any mailing list of employees or volunteers of any public
9 agency.

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, except that
13 this information may be released to the division of child support or
14 the agency or firm providing child support enforcement for another
15 state under Title IV-D of the federal social security act, for the
16 establishment, enforcement, or modification of a support order.

17 (w)(i) The federal social security number of individuals governed
18 under chapter 18.130 RCW maintained in the files of the department of
19 health, except this exemption does not apply to requests made directly
20 to the department from federal, state, and local agencies of
21 government, and national and state licensing, credentialing,
22 investigatory, disciplinary, and examination organizations; (ii) the
23 current residential address and current residential telephone number of
24 a health care provider governed under chapter 18.130 RCW maintained in
25 the files of the department, if the provider requests that this
26 information be withheld from public inspection and copying, and
27 provides to the department an accurate alternate or business address
28 and business telephone number. On or after January 1, 1995, the
29 current residential address and residential telephone number of a
30 health care provider governed under RCW 18.130.040 maintained in the
31 files of the department shall automatically be withheld from public
32 inspection and copying unless the provider specifically requests the
33 information be released, and except as provided for under RCW
34 42.17.260(9).

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

37 (y) Information obtained by the board of pharmacy or the department

1 of health and its representatives as provided in RCW 69.41.044,
2 69.41.280, and 18.64.420.

3 (z) Financial information, business plans, examination reports, and
4 any information produced or obtained in evaluating or examining a
5 business and industrial development corporation organized or seeking
6 certification under chapter 31.24 RCW.

7 (aa) Financial and commercial information supplied to the state
8 investment board by any person when the information relates to the
9 investment of public trust or retirement funds and when disclosure
10 would result in loss to such funds or in private loss to the providers
11 of this information.

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

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

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

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

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

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

32 (hh) Information and documents created specifically for, and
33 collected and maintained by a quality improvement committee pursuant to
34 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
35 4.24.250, regardless of which agency is in possession of the
36 information and documents.

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

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

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

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

14 (mm) The personally identifying information of current or former
15 participants or applicants in a paratransit or other transit service
16 operated for the benefit of persons with disabilities or elderly
17 persons.

18 (nn) The personally identifying information of persons who acquire
19 and use transit passes and other fare payment media including, but not
20 limited to, stored value smart cards and magnetic strip cards, except
21 that an agency may disclose this information to a person, employer,
22 educational institution, or other entity that is responsible, in whole
23 or in part, for payment of the cost of acquiring or using a transit
24 pass or other fare payment media, or to the news media when reporting
25 on public transportation or public safety. This information may also
26 be disclosed at the agency's discretion to governmental agencies or
27 groups concerned with public transportation or public safety.

28 (oo) Proprietary financial and commercial information that the
29 submitting entity, with review by the department of health,
30 specifically identifies at the time it is submitted and that is
31 provided to or obtained by the department of health in connection with
32 an application for, or the supervision of, an antitrust exemption
33 sought by the submitting entity under RCW 43.72.310. If a request for
34 such information is received, the submitting entity must be notified of
35 the request. Within ten business days of receipt of the notice, the
36 submitting entity shall provide a written statement of the continuing
37 need for confidentiality, which shall be provided to the requester.
38 Upon receipt of such notice, the department of health shall continue to

1 treat information designated under this section as exempt from
2 disclosure. If the requester initiates an action to compel disclosure
3 under this chapter, the submitting entity must be joined as a party to
4 demonstrate the continuing need for confidentiality.

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

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

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

18 (ss) Credit card numbers, debit card numbers, electronic check
19 numbers, card expiration dates, or bank or other financial account
20 numbers, except when disclosure is expressly required by or governed by
21 other law.

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

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

30 (vv) Individually identifiable information received by the work
31 force training and education coordinating board for research or
32 evaluation purposes.

33 (ww) Those portions of records assembled, prepared, or maintained
34 to prevent, mitigate, or respond to criminal terrorist acts, which are
35 acts that significantly disrupt the conduct of government or of the
36 general civilian population of the state or the United States and that
37 manifest an extreme indifference to human life, the public disclosure

1 of which would have a substantial likelihood of threatening public
2 safety, consisting of:

3 (i) Specific and unique vulnerability assessments or specific and
4 unique response or deployment plans, including compiled underlying data
5 collected in preparation of or essential to the assessments, or to the
6 response or deployment plans; and

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

12 (xx) Commercial fishing catch data from logbooks required to be
13 provided to the department of fish and wildlife under RCW 77.12.047,
14 when the data identifies specific catch location, timing, or
15 methodology and the release of which would result in unfair competitive
16 disadvantage to the commercial fisher providing the catch data.
17 However, this information may be released to government agencies
18 concerned with the management of fish and wildlife resources.

19 (yy) Sensitive wildlife data obtained by the department of fish and
20 wildlife. However, sensitive wildlife data may be released to
21 government agencies concerned with the management of fish and wildlife
22 resources. Sensitive wildlife data includes:

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

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

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

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

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

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

36 (zz) The personally identifying information of persons who acquire
37 recreational licenses under RCW 77.32.010 or commercial licenses under
38 chapter 77.65 or 77.70 RCW, except name, address of contact used by the

1 department, and type of license, endorsement, or tag. However, the
2 department of fish and wildlife may disclose personally identifying
3 information to:

4 (i) Government agencies concerned with the management of fish and
5 wildlife resources;

6 (ii) The department of social and health services, child support
7 division, and to the department of licensing in order to implement RCW
8 77.32.014 and 46.20.291; and

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

11 (aaa)(i) Discharge papers of a veteran of the armed forces of the
12 United States filed at the office of the county auditor before July 1,
13 2002, that have not been commingled with other recorded documents.
14 These records will be available only to the veteran, the veteran's next
15 of kin, a deceased veteran's properly appointed personal representative
16 or executor, a person holding that veteran's general power of attorney,
17 or to anyone else designated in writing by that veteran to receive the
18 records.

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

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

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

1 (bbb) Those portions of records containing specific and unique
2 vulnerability assessments or specific and unique emergency and escape
3 response plans at a city, county, or state adult or juvenile
4 correctional facility, the public disclosure of which would have a
5 substantial likelihood of threatening the security of a city, county,
6 or state adult or juvenile correctional facility or any individual's
7 safety.

8 (ccc) Information compiled by school districts or schools in the
9 development of their comprehensive safe school plans pursuant to RCW
10 28A.320.125, to the extent that they identify specific vulnerabilities
11 of school districts and each individual school.

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

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

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

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

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
38 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. 4.** 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:

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

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.

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

23 (c) Information required of any taxpayer in connection with the
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
26 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
27 taxpayer's right to privacy or result in unfair competitive
28 disadvantage to the taxpayer.

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30 records compiled by investigative, law enforcement, and penology
31 agencies, and state agencies vested with the responsibility to
32 discipline members of any profession, the nondisclosure of which is
33 essential to effective law enforcement or for the protection of any
34 person's right to privacy.

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36 to or victims of crime or who file complaints with investigative, law
37 enforcement, or penology agencies, other than the public disclosure

1 commission, if disclosure would endanger any person's life, physical
2 safety, or property. If at the time a complaint is filed the
3 complainant, victim or witness indicates a desire for disclosure or
4 nondisclosure, such desire shall govern. However, all complaints filed
5 with the public disclosure commission about any elected official or
6 candidate for public office must be made in writing and signed by the
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9 to administer a license, employment, or academic examination.

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

17 (h) Valuable formulae, designs, drawings, computer source code or
18 object code, and research data obtained by any agency within five years
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21 (i) Preliminary drafts, notes, recommendations, and intra-agency
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23 recommended except that a specific record shall not be exempt when
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30 archaeological sites in order to avoid the looting or depredation of
31 such sites.

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

35 (m) Financial information supplied by or on behalf of a person,
36 firm, or corporation for the purpose of qualifying to submit a bid or
37 proposal for (i) a ferry system construction or repair contract as

1 required by RCW 47.60.680 through 47.60.750 or (ii) highway
2 construction or improvement as required by RCW 47.28.070.

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

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

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12 chapters 28B.85 and 28C.10 RCW.

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14 or attorney general under RCW 80.04.095 that a court has determined are
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19 or during application for economic development loans or program
20 services provided by any local agency.

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22 units in timeshare projects, subdivisions, camping resorts,
23 condominiums, land developments, or common-interest communities
24 affiliated with such projects, regulated by the department of
25 licensing, in the files or possession of the department.

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

29 (u) The residential addresses (~~(or)~~), residential telephone
30 numbers, personal cellular telephone numbers, social security numbers,
31 and personal electronic mail addresses of employees or volunteers of a
32 public agency which are held by any public agency in personnel records,
33 public employment related records, or volunteer rosters, or are
34 included in any mailing list of employees or volunteers of any public
35 agency.

36 (v) The residential addresses and residential telephone numbers of
37 the customers of a public utility contained in the records or lists
38 held by the public utility of which they are customers, except that

1 this information may be released to the division of child support or
2 the agency or firm providing child support enforcement for another
3 state under Title IV-D of the federal social security act, for the
4 establishment, enforcement, or modification of a support order.

5 (w)(i) The federal social security number of individuals governed
6 under chapter 18.130 RCW maintained in the files of the department of
7 health, except this exemption does not apply to requests made directly
8 to the department from federal, state, and local agencies of
9 government, and national and state licensing, credentialing,
10 investigatory, disciplinary, and examination organizations; (ii) the
11 current residential address and current residential telephone number of
12 a health care provider governed under chapter 18.130 RCW maintained in
13 the files of the department, if the provider requests that this
14 information be withheld from public inspection and copying, and
15 provides to the department an accurate alternate or business address
16 and business telephone number. On or after January 1, 1995, the
17 current residential address and residential telephone number of a
18 health care provider governed under RCW 18.130.040 maintained in the
19 files of the department shall automatically be withheld from public
20 inspection and copying unless the provider specifically requests the
21 information be released, and except as provided for under RCW
22 42.17.260(9).

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

25 (y) Information obtained by the board of pharmacy or the department
26 of health and its representatives as provided in RCW 69.41.044,
27 69.41.280, and 18.64.420.

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

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

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

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

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

10 (ee) Investigative records compiled by an employing agency
11 conducting a current investigation of a possible unfair practice under
12 chapter 49.60 RCW or of a possible violation of other federal, state,
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
37 service. However, these records may be disclosed to other persons who

1 apply for ride-matching services and who need that information in order
2 to identify potential riders or drivers with whom to share rides.

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

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

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

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

35 (qq) Financial and commercial information supplied by or on behalf
36 of a person, firm, corporation, or entity under chapter 28B.95 RCW
37 relating to the purchase or sale of tuition units and contracts for the
38 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
37 development of their comprehensive safe school plans pursuant to RCW

1 28A.320.125, to the extent that they identify specific vulnerabilities
2 of school districts and each individual school.

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

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

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

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

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

37 (4) Agency responses refusing, in whole or in part, inspection of

1 any public record shall include a statement of the specific exemption
2 authorizing the withholding of the record (or part) and a brief
3 explanation of how the exemption applies to the record withheld.

4 **Sec. 5.** RCW 65.04.110 and 1996 c 229 s 6 are each amended to read
5 as follows:

6 (1) If any county auditor to whom an instrument, proved or
7 acknowledged according to law, or any paper or notice which may by law
8 be recorded is delivered or electronically transmitted for record:
9 ~~((+1))~~ (a) Neglects or refuses to record such instrument, paper or
10 notice, within a reasonable time after receiving the same; or ~~((+2))~~
11 (b) records any instruments, papers or notices untruly, or in any other
12 manner than as directed in this chapter; or ~~((7-(3))~~ (c) neglects or
13 refuses to keep in his or her office such indexes as are required by
14 this act, or to make the proper entries therein; or ~~((7-(4))~~ (d)
15 neglects or refuses to make the searches and to give the certificate
16 required by this act; or if such searches or certificate are incomplete
17 and defective in any important particular affecting the property in
18 respect to which the search is requested; or ~~((7-(5))~~ (e) alters,
19 changes, or obliterates any records deposited in his or her office, or
20 inserts any new matter therein; he or she is liable to the party
21 aggrieved for the amount of damage which may be occasioned thereby.
22 However, if the name or names and address hand printed, printed, or
23 typewritten on any instrument, proved or acknowledged according to law,
24 or on any paper or notice which may by law be filed or recorded, is or
25 are incorrect, or misspelled or not the true name or names of the party
26 or parties appearing thereon, the county auditor shall not, by reason
27 of such fact, be liable for any loss or damage resulting therefrom.

28 (2) The county auditor shall not be liable for complying with
29 section 2 of this act.

30 NEW SECTION. **Sec. 6.** Section 3 of this act expires June 30, 2005.

31 NEW SECTION. **Sec. 7.** Section 4 of this act takes effect June 30,
32 2005.

33 NEW SECTION. **Sec. 8.** If any provision of this act or its

1 application to any person or circumstance is held invalid, the
2 remainder of the act or the application of the provision to other
3 persons or circumstances is not affected.

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