
HOUSE BILL 2774

State of Washington

59th Legislature

2006 Regular Session

By Representatives Nixon and Jarrett

Read first time 01/12/2006. Referred to Committee on State Government Operations & Accountability.

1 AN ACT Relating to public records inspection and copying; amending
2 RCW 42.56.070, 42.56.240, 42.56.250, 42.56.270, 42.56.320, 42.56.350,
3 42.56.360, 42.56.380, 42.56.400, 42.56.410, 42.56.420, 42.56.450, and
4 42.56.470; adding new sections to chapter 42.56 RCW; creating a new
5 section; and providing an effective date.

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

7 **Sec. 1.** RCW 42.56.070 and 2005 c 274 s 284 are each amended to
8 read as follows:

9 (1) Each agency, in accordance with published rules, shall make
10 available for public inspection and copying all public records, unless
11 the record falls within the specific exemptions of subsection (6) of
12 this section((,)) or this chapter((, ~~or other statute which exempts or~~
13 ~~prohibits disclosure of specific information or records~~)). To the
14 extent required to prevent an unreasonable invasion of personal privacy
15 interests protected by this chapter, an agency shall delete identifying
16 details in a manner consistent with this chapter when it makes
17 available or publishes any public record; however, in each case, the
18 justification for the deletion shall be explained fully in writing.

1 (2) For informational purposes, each agency shall publish and
2 maintain a current list containing every law, other than those listed
3 in this chapter, that the agency believes exempts or prohibits
4 disclosure of specific information or records of the agency. An
5 agency's failure to list an exemption shall not affect the efficacy of
6 any exemption.

7 (3) Each local agency shall maintain and make available for public
8 inspection and copying a current index providing identifying
9 information as to the following records issued, adopted, or promulgated
10 after January 1, 1973:

11 (a) Final opinions, including concurring and dissenting opinions,
12 as well as orders, made in the adjudication of cases;

13 (b) Those statements of policy and interpretations of policy,
14 statute, and the Constitution which have been adopted by the agency;

15 (c) Administrative staff manuals and instructions to staff that
16 affect a member of the public;

17 (d) Planning policies and goals, and interim and final planning
18 decisions;

19 (e) Factual staff reports and studies, factual consultant's reports
20 and studies, scientific reports and studies, and any other factual
21 information derived from tests, studies, reports, or surveys, whether
22 conducted by public employees or others; and

23 (f) Correspondence, and materials referred to therein, by and with
24 the agency relating to any regulatory, supervisory, or enforcement
25 responsibilities of the agency, whereby the agency determines, or
26 opines upon, or is asked to determine or opine upon, the rights of the
27 state, the public, a subdivision of state government, or of any private
28 party.

29 (4) A local agency need not maintain such an index, if to do so
30 would be unduly burdensome, but it shall in that event:

31 (a) Issue and publish a formal order specifying the reasons why and
32 the extent to which compliance would unduly burden or interfere with
33 agency operations; and

34 (b) Make available for public inspection and copying all indexes
35 maintained for agency use.

36 (5) Each state agency shall, by rule, establish and implement a
37 system of indexing for the identification and location of the following
38 records:

1 (a) All records issued before July 1, 1990, for which the agency
2 has maintained an index;

3 (b) Final orders entered after June 30, 1990, that are issued in
4 adjudicative proceedings as defined in RCW 34.05.010 and that contain
5 an analysis or decision of substantial importance to the agency in
6 carrying out its duties;

7 (c) Declaratory orders entered after June 30, 1990, that are issued
8 pursuant to RCW 34.05.240 and that contain an analysis or decision of
9 substantial importance to the agency in carrying out its duties;

10 (d) Interpretive statements as defined in RCW 34.05.010 that were
11 entered after June 30, 1990; and

12 (e) Policy statements as defined in RCW 34.05.010 that were entered
13 after June 30, 1990.

14 Rules establishing systems of indexing shall include, but not be
15 limited to, requirements for the form and content of the index, its
16 location and availability to the public, and the schedule for revising
17 or updating the index. State agencies that have maintained indexes for
18 records issued before July 1, 1990, shall continue to make such indexes
19 available for public inspection and copying. Information in such
20 indexes may be incorporated into indexes prepared pursuant to this
21 subsection. State agencies may satisfy the requirements of this
22 subsection by making available to the public indexes prepared by other
23 parties but actually used by the agency in its operations. State
24 agencies shall make indexes available for public inspection and
25 copying. State agencies may charge a fee to cover the actual costs of
26 providing individual mailed copies of indexes.

27 (6) A public record may be relied on, used, or cited as precedent
28 by an agency against a party other than an agency and it may be invoked
29 by the agency for any other purpose only if:

30 (a) It has been indexed in an index available to the public; or

31 (b) Parties affected have timely notice (actual or constructive) of
32 the terms thereof.

33 (7) Each agency shall establish, maintain, and make available for
34 public inspection and copying a statement of the actual per page cost
35 or other costs, if any, that it charges for providing photocopies of
36 public records and a statement of the factors and manner used to
37 determine the actual per page cost or other costs, if any.

1 (a) In determining the actual per page cost for providing
2 photocopies of public records, an agency may include all costs directly
3 incident to copying such public records including the actual cost of
4 the paper and the per page cost for use of agency copying equipment.
5 In determining other actual costs for providing photocopies of public
6 records, an agency may include all costs directly incident to shipping
7 such public records, including the cost of postage or delivery charges
8 and the cost of any container or envelope used.

9 (b) In determining the actual per page cost or other costs for
10 providing copies of public records, an agency may not include staff
11 salaries, benefits, or other general administrative or overhead
12 charges, unless those costs are directly related to the actual cost of
13 copying the public records. Staff time to copy and mail the requested
14 public records may be included in an agency's costs.

15 (8) An agency need not calculate the actual per page cost or other
16 costs it charges for providing photocopies of public records if to do
17 so would be unduly burdensome, but in that event: The agency may not
18 charge in excess of fifteen cents per page for photocopies of public
19 records or for the use of agency equipment to photocopy public records
20 and the actual postage or delivery charge and the cost of any container
21 or envelope used to mail the public records to the requestor.

22 (9) This chapter shall not be construed as giving authority to any
23 agency, the office of the secretary of the senate, or the office of the
24 chief clerk of the house of representatives to give, sell or provide
25 access to lists of individuals requested for commercial purposes, and
26 agencies, the office of the secretary of the senate, and the office of
27 the chief clerk of the house of representatives shall not do so unless
28 specifically authorized or directed by law: PROVIDED, HOWEVER, That
29 lists of applicants for professional licenses and of professional
30 licensees shall be made available to those professional associations or
31 educational organizations recognized by their professional licensing or
32 examination board, upon payment of a reasonable charge therefor:
33 PROVIDED FURTHER, That such recognition may be refused only for a good
34 cause pursuant to a hearing under the provisions of chapter 34.05 RCW,
35 the Administrative Procedure Act.

36 **Sec. 2.** RCW 42.56.240 and 2005 c 274 s 404 are each amended to
37 read as follows:

1 The following investigative, law enforcement, and crime victim
2 information is exempt from public inspection and copying under this
3 chapter:

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

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

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

25 (4) License applications under RCW 9.41.070; copies of license
26 applications or information on the applications may be released to law
27 enforcement or corrections agencies; (~~and~~)

28 (5) Information revealing the identity of child victims of sexual
29 assault who are under age eighteen. Identifying information means the
30 child victim's name, address, location, photograph, and in cases in
31 which the child victim is a relative or stepchild of the alleged
32 perpetrator, identification of the relationship between the child and
33 the alleged perpetrator;

34 (6) Pleadings, papers, evidence records, and files of the
35 commission on judicial conduct, as provided for in RCW 2.64.111;

36 (7) All of the information and data collected and processed by the
37 organized crime advisory board and the petition filed with the supreme

1 court, except as provided by rules of the supreme court of Washington
2 in the case of the petition, as provided in RCW 10.29.030;

3 (8) Vouchers and other budget and accounting records of a special
4 inquiry judge proceeding including such records of the special
5 prosecutor, as provided in RCW 10.29.090;

6 (9) Nonconviction data except for the purpose of challenge or
7 correction when the person who is the subject of the record asserts the
8 belief in writing that the information regarding such person is
9 inaccurate or incomplete, as provided in RCW 10.97.080;

10 (10) Investigative records of the office of the family and
11 children's ombudsman, as provided in RCW 43.06A.050;

12 (11) Information obtained from a contractor through an audit to
13 determine compliance with permitting requirements for alterations of
14 mobile and manufactured homes, as provided in RCW 43.22.434; and

15 (12) Information and data collected and processed by the organized
16 crime intelligence unit of the Washington state patrol, as provided in
17 RCW 43.43.856.

18 **Sec. 3.** RCW 42.56.250 and 2005 c 274 s 405 are each amended to
19 read as follows:

20 The following employment and licensing information is exempt from
21 public inspection and copying under this chapter:

22 (1) Test questions, scoring keys, and other examination data used
23 to administer a license, employment, or academic examination;

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

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

32 (4) Information that identifies a person who, while an agency
33 employee: (a) Seeks advice, under an informal process established by
34 the employing agency, in order to ascertain his or her rights in
35 connection with a possible unfair practice under chapter 49.60 RCW
36 against the person; and (b) requests his or her identity or any
37 identifying information not be disclosed;

1 (5) Investigative records compiled by an employing agency
2 conducting a current investigation of a possible unfair practice under
3 chapter 49.60 RCW or of a possible violation of other federal, state,
4 or local laws prohibiting discrimination in employment; (~~and~~)

5 (6) Except as provided in RCW 47.64.220, salary and employee
6 benefit information collected under RCW 47.64.220(1) and described in
7 RCW 47.64.220(2);

8 (7) Any information in an escrow agent application regarding the
9 personal residential address or telephone number of any officer,
10 director, partner, owner, controlling person, or employee, if the
11 applicant is a corporation or a limited liability company, as provided
12 in RCW 18.44.031;

13 (8) Information obtained from a contractor under RCW 18.106.320;

14 (9) Information obtained from an electrical contractor under RCW
15 19.28.171, as provided in RCW 19.28.171; and

16 (10) Reports and information received by the investment board, as
17 provided in RCW 43.33A.025.

18 **Sec. 4.** RCW 42.56.270 and 2005 c 274 s 407 are each amended to
19 read as follows:

20 The following financial, commercial, and proprietary information is
21 exempt from disclosure under this chapter:

22 (1) Valuable formulae, designs, drawings, computer source code or
23 object code, and research data obtained by any agency within five years
24 of the request for disclosure when disclosure would produce private
25 gain and public loss;

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

31 (3) Financial and commercial information and records supplied by
32 private persons pertaining to export services provided under chapters
33 43.163 and 53.31 RCW, and by persons pertaining to export projects
34 under RCW 43.23.035;

35 (4) Financial and commercial information and records supplied by
36 businesses or individuals during application for loans or program

1 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
2 or during application for economic development loans or program
3 services provided by any local agency;

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

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

13 (7) Financial and valuable trade information under RCW 51.36.120;

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

18 (9) Financial and commercial information requested by the public
19 stadium authority from any person or organization that leases or uses
20 the stadium and exhibition center as defined in RCW 36.102.010;

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

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

33 (12)(a) When supplied to and in the records of the department of
34 community, trade, and economic development:

35 (i) Financial and proprietary information collected from any person
36 and provided to the department of community, trade, and economic
37 development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

1 (ii) Financial or proprietary information collected from any person
2 and provided to the department of community, trade, and economic
3 development or the office of the governor in connection with the
4 siting, recruitment, expansion, retention, or relocation of that
5 person's business and until a siting decision is made, identifying
6 information of any person supplying information under this subsection
7 and the locations being considered for siting, relocation, or expansion
8 of a business;

9 (b) When developed by the department of community, trade, and
10 economic development based on information as described in (a)(i) of
11 this subsection, any work product is not exempt from disclosure;

12 (c) For the purposes of this subsection, "siting decision" means
13 the decision to acquire or not to acquire a site;

14 (d) If there is no written contact for a period of sixty days to
15 the department of community, trade, and economic development from a
16 person connected with siting, recruitment, expansion, retention, or
17 relocation of that person's business, information described in (a)(ii)
18 of this subsection will be available to the public under this chapter;

19 (13) Any business-related information obtained under chapter 15.86
20 RCW concerning an entity certified under chapter 15.86 RCW or an
21 applicant for such certification, as provided in RCW 15.86.110;

22 (14) Registrations made under chapter 19.80 RCW, as provided in RCW
23 19.80.065;

24 (15) Trade secrets or other proprietary information submitted by a
25 bidder, offeror, or contractor in connection with an alternative public
26 works transaction, as provided in RCW 39.10.100;

27 (16) Salary and fringe benefit survey information collected from
28 private employers, as provided in RCW 41.06.160 and 41.06.167;

29 (17) Salary and employee benefit information collected from private
30 employers, as provided in RCW 47.64.220;

31 (18) Financial and valuable trade information provided to the
32 department of labor and industries when contracting for health care
33 services and equipment, upon the request of a contractor, as provided
34 in RCW 51.36.120; and

35 (19) Records that contain commercial information, including trade
36 secrets or confidential marketing, cost or financial information, or
37 customer-specific usage and network configuration and design
38 information, as provided in RCW 80.04.095.

1 **Sec. 5.** RCW 42.56.320 and 2005 c 274 s 412 are each amended to
2 read as follows:

3 The following educational information is exempt from disclosure
4 under this chapter:

5 (1) Financial disclosures filed by private vocational schools under
6 chapters 28B.85 and 28C.10 RCW;

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

11 (3) Individually identifiable information received by the work
12 force training and education coordinating board for research or
13 evaluation purposes; (~~and~~)

14 (4) Except for public records as defined in RCW (~~(40.14.040)~~)
15 40.14.010, any records or documents obtained by a state college,
16 university, library, or archive through or concerning any gift, grant,
17 conveyance, bequest, or devise, the terms of which restrict or regulate
18 public access to those records or documents; and

19 (5) Financial disclosures to the higher education coordinating
20 board by degree-granting private vocational schools, as provided in RCW
21 28C.10.050.

22 **Sec. 6.** RCW 42.56.350 and 2005 c 274 s 415 are each amended to
23 read as follows:

24 (1) The federal Social Security number of individuals governed
25 under chapter 18.130 RCW maintained in the files of the department of
26 health is exempt from disclosure under this chapter. The exemption in
27 this section does not apply to requests made directly to the department
28 from federal, state, and local agencies of government, and national and
29 state licensing, credentialing, investigatory, disciplinary, and
30 examination organizations.

31 (2) The current residential address and current residential
32 telephone number of a health care provider governed under chapter
33 18.130 RCW maintained in the files of the department are exempt from
34 disclosure under this chapter, if the provider requests that this
35 information be withheld from public inspection and copying, and
36 provides to the department of health an accurate alternate or business
37 address and business telephone number. The current residential address

1 and residential telephone number of a health care provider governed
2 under RCW 18.130.040 maintained in the files of the department of
3 health shall automatically be withheld from public inspection and
4 copying unless the provider specifically requests the information be
5 released, and except as provided for under RCW 42.56.070(9).

6 (3) The following information relating to health professionals is
7 exempt from disclosure under this chapter;

8 (a) The contents of any report filed under RCW 18.130.070, except
9 as provided in RCW 18.71.0195; and

10 (b) Entity records as provided in RCW 18.71.340.

11 **Sec. 7.** RCW 42.56.360 and 2005 c 274 s 416 are each amended to
12 read as follows:

13 (1) The following health care information is exempt from disclosure
14 under this chapter:

15 (a) Information obtained by the board of pharmacy as provided in
16 RCW 69.45.090;

17 (b) Information obtained by the board of pharmacy or the department
18 of health and its representatives as provided in RCW 69.41.044,
19 69.41.280, and 18.64.420;

20 (c) Information and documents created specifically for, and
21 collected and maintained by a quality improvement committee under RCW
22 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 (d)(i) Proprietary financial and commercial information that the
26 submitting entity, with review by the department of health,
27 specifically identifies at the time it is submitted and that is
28 provided to or obtained by the department of health in connection with
29 an application for, or the supervision of, an antitrust exemption
30 sought by the submitting entity under RCW 43.72.310;

31 (ii) If a request for such information is received, the submitting
32 entity must be notified of the request. Within ten business days of
33 receipt of the notice, the submitting entity shall provide a written
34 statement of the continuing need for confidentiality, which shall be
35 provided to the requester. Upon receipt of such notice, the department
36 of health shall continue to treat information designated under this
37 subsection (1)(d) as exempt from disclosure;

1 (iii) If the requester initiates an action to compel disclosure
2 under this chapter, the submitting entity must be joined as a party to
3 demonstrate the continuing need for confidentiality;

4 (e) Records of the entity obtained in an action under RCW 18.71.300
5 through 18.71.340;

6 (f) Except for published statistical compilations and reports
7 relating to the infant mortality review studies that do not identify
8 individual cases and sources of information, any records or documents
9 obtained, prepared, or maintained by the local health department for
10 the purposes of an infant mortality review conducted by the department
11 of health under RCW 70.05.170; (~~and~~)

12 (g) Complaints filed under chapter 18.130 RCW after July 27, 1997,
13 to the extent provided in RCW 18.130.095(1);

14 (h) All records, reports, and information obtained by the
15 department of health with regard to nonresident pharmacies from or on
16 behalf of an entity licensed under chapter 48.20, 48.21, 48.44, or
17 48.46 RCW, as provided in RCW 18.64.420;

18 (i) Addresses and telephone numbers of health care providers as
19 provided in RCW 18.130.085;

20 (j) Complaints against health care providers filed after July 27,
21 1997, as provided in RCW 18.130.095;

22 (k) Treatment and pretreatment records of health professions'
23 license holders and records held by their disciplining authorities, as
24 provided in RCW 18.130.175;

25 (l) Customer list information for nonresident pharmacies for which
26 an insurer is providing coverage, as provided in RCW 48.20.530;

27 (m) Customer list information for nonresident pharmacies for which
28 an insurer is providing coverage, as provided in RCW 48.21.330;

29 (n) Customer list information for nonresident pharmacies for which
30 a health care service contractor is providing coverage, as provided in
31 RCW 48.44.470;

32 (o) Customer list information for nonresident pharmacies for which
33 a health maintenance organization is providing coverage, as provided in
34 RCW 48.46.540;

35 (p) Records, reports, and information obtained by the board of
36 pharmacy or its authorized representative from an entity that
37 purchases, dispenses, or distributes legend drugs, as provided in RCW
38 69.41.044 and 69.41.280;

1 (q) Records, reports, and information obtained by the board of
2 pharmacy from or on behalf of a manufacturer or manufacturer's
3 representative, as provided in RCW 69.45.090;

4 (r) Information received by the department of health through filed
5 reports, inspection, or as otherwise authorized, to the extent provided
6 in RCW 70.41.150;

7 (s) Certain records, actuarial formulas, statistics, and
8 assumptions, relating to the basic health plan, as provided in RCW
9 70.47.150;

10 (t) Members of on-site review teams and staff included in site
11 visits, as provided in RCW 70.168.070;

12 (u) Certain data elements in the statewide data registry and
13 patient care quality assurance proceedings, records, and reports
14 developed pursuant to the statewide data registry, as provided in RCW
15 70.168.090; and

16 (v) The fact of admission as a patient in a hospital and all
17 information and records compiled, obtained, or maintained in the course
18 of providing services at public or private agencies, to the extent
19 provided in RCW 71.05.390(15).

20 (2) Chapter 70.02 RCW applies to public inspection and copying of
21 health care information of patients.

22 **Sec. 8.** RCW 42.56.380 and 2005 c 274 s 418 are each amended to
23 read as follows:

24 The following information relating to agriculture and livestock is
25 exempt from disclosure under this chapter:

26 (1) Business-related information under RCW 15.86.110;

27 (2) Information provided under RCW 15.54.362;

28 (3) Production or sales records required to determine assessment
29 levels and actual assessment payments to commodity boards and
30 commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65,
31 15.66, 15.74, 15.88, 15.100, and 16.67 RCW or required by the
32 department of agriculture to administer these chapters or the
33 department's programs;

34 (4) Consignment information contained on phytosanitary certificates
35 issued by the department of agriculture under chapters 15.13, 15.49,
36 and 15.17 RCW or federal phytosanitary certificates issued under 7
37 C.F.R. 353 through cooperative agreements with the animal and plant

1 health inspection service, United States department of agriculture, or
2 on applications for phytosanitary certification required by the
3 department of agriculture;

4 (5) Financial and commercial information and records supplied by
5 persons (a) to the department of agriculture for the purpose of
6 conducting a referendum for the potential establishment of a commodity
7 board or commission; or (b) to the department of agriculture or
8 commodity boards or commissions formed under chapter 15.24, 15.28,
9 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, or 16.67 RCW with respect to
10 domestic or export marketing activities or individual producer's
11 production information;

12 (6) Except under RCW 15.19.080, information obtained regarding the
13 purchases, sales, or production of an individual American ginseng
14 grower or dealer;

15 (7) Information that can be identified to a particular business and
16 that is collected under section 3(1), chapter 235, Laws of 2002;
17 (~~and~~)

18 (8) Financial statements provided under RCW 16.65.030(1)(d);

19 (9) Information regarding the purchases, sales, or production of an
20 individual American ginseng grower or dealer, except for providing
21 reports to the United States fish and wildlife service, as provided in
22 RCW 15.19.080;

23 (10) Semiannual reports regarding feed distribution, as provided in
24 RCW 15.53.9018; and

25 (11) Information in plans, records, and reports under chapter 510,
26 Laws of 2005, to the extent provided in RCW 90.64.190.

27 **Sec. 9.** RCW 42.56.400 and 2005 c 274 s 420 are each amended to
28 read as follows:

29 The following information relating to insurance and financial
30 institutions is exempt from disclosure under this chapter:

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

34 (2) Information obtained and exempted or withheld from public
35 inspection by the health care authority under RCW 41.05.026, whether
36 retained by the authority, transferred to another state purchased
37 health care program by the authority, or transferred by the authority

1 to a technical review committee created to facilitate the development,
2 acquisition, or implementation of state purchased health care under
3 chapter 41.05 RCW;

4 (3) The names and individual identification data of all viators
5 regulated by the insurance commissioner under chapter 48.102 RCW;

6 (4) Information provided under RCW 48.30A.045 through 48.30A.060;

7 (5) Information provided under RCW 48.05.510 through 48.05.535,
8 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600
9 through 48.46.625;

10 (6) Information gathered under chapter 19.85 RCW or RCW 34.05.328
11 that can be identified to a particular business;

12 (7) Examination reports and information obtained by the department
13 of financial institutions from banks under RCW 30.04.075, from savings
14 banks under RCW 32.04.220, from savings and loan associations under RCW
15 33.04.110, from credit unions under RCW 31.12.565, from check cashers
16 and sellers under RCW 31.45.030(3), and from securities brokers and
17 investment advisers under RCW 21.20.100, all of which is confidential
18 and privileged information;

19 (8) Information provided to the insurance commissioner under RCW
20 48.110.040(3);

21 (9) Documents, materials, or information obtained by the insurance
22 commissioner under RCW 48.02.065, all of which are confidential and
23 privileged; (~~and~~)

24 (10) Confidential proprietary and trade secret information provided
25 to the commissioner under RCW 48.31C.020 through 48.31C.050 and
26 48.31C.070;

27 (11) Information or reports obtained by the director of financial
28 institutions from an applicant, licensee, or authorized delegate and
29 all information contained in, or related to, examination,
30 investigation, operating, or condition reports prepared by, on behalf
31 of, or for the use of the director, or financial statements, balance
32 sheets, or authorized delegate information, as provided in RCW
33 19.230.190;

34 (12) Examination reports and information obtained by the director
35 of financial institutions or the director's representatives in
36 conducting examinations pursuant to RCW 21.20.700, as provided in RCW
37 21.20.855;

- 1 (13) Information obtained in private investigations pursuant to RCW
2 21.30.100 or 21.30.110 and information obtained from federal or state
3 agencies that may not be disclosed under federal law, as provided in
4 RCW 21.30.170;
- 5 (14) Examination reports and information obtained by the director
6 of financial institutions and the director's staff, as provided in RCW
7 30.04.075(5);
- 8 (15) Information in applications and supporting information, and
9 all examination reports and information from out-of-state holding
10 companies desiring to make certain acquisitions, obtained by the
11 director of financial institutions and the director's staff in
12 conducting their investigation, as provided in RCW 30.04.230;
- 13 (16) Findings and orders of the director of financial institutions
14 disapproving proposed acquisitions, as provided in RCW 30.04.410;
- 15 (17) Examination reports and information relating to state credit
16 unions, to the extent provided in RCW 31.12.565;
- 17 (18) Examination reports and information obtained by the director
18 of financial institutions and the director's staff, as provided in RCW
19 32.04.220;
- 20 (19) Findings and orders of the director of financial institutions
21 disapproving proposed acquisitions, as provided in RCW 32.32.228;
- 22 (20) Applications for converting a mutual savings bank to a capital
23 stock savings bank, as provided in RCW 32.32.375;
- 24 (21) Examination reports and information obtained by the director
25 of financial institutions and the director's staff in conducting
26 examinations, as provided in RCW 33.04.110;
- 27 (22) Antifraud plans and summary of an insurer's antifraud
28 activities, as provided in RCW 48.30A.060;
- 29 (23) Information in the possession of the insurance commissioner
30 relating to mergers, rehabilitation, liquidation, and supervision, as
31 provided in RCW 48.31.405;
- 32 (24) Information regarding funds or any liability reserve
33 established for the purposes of satisfying a claim or cause of action,
34 as provided in RCW 48.62.101;
- 35 (25) A summary of the basis upon which the insurance commissioner
36 has refused to issue a license, as provided in RCW 48.94.010; and
- 37 (26) To the extent necessary and appropriate, documents and

1 information relating to the Holocaust insurance company registry, as
2 provided in RCW 48.104.050.

3 **Sec. 10.** RCW 42.56.410 and 2005 c 274 s 421 are each amended to
4 read as follows:

5 The following information relating to the employment security
6 department is exempt from disclosure under this chapter:

7 (1) Records maintained by the employment security department and
8 subject to chapter 50.13 RCW if provided to another individual or
9 organization for operational, research, or evaluation purposes (~~are~~
10 ~~exempt from disclosure under this chapter~~); and

11 (2) Information provided to the employment security department by
12 another governmental agency or entity, as provided in RCW 50.13.015.

13 **Sec. 11.** RCW 42.56.420 and 2005 c 274 s 422 are each amended to
14 read as follows:

15 The following information relating to security is exempt from
16 disclosure under this chapter:

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

24 (a) Specific and unique vulnerability assessments or specific and
25 unique response or deployment plans, including compiled underlying data
26 collected in preparation of or essential to the assessments, or to the
27 response or deployment plans; and

28 (b) Records not subject to public disclosure under federal law that
29 are shared by federal or international agencies, and information
30 prepared from national security briefings provided to state or local
31 government officials related to domestic preparedness for acts of
32 terrorism;

33 (2) 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 (3) Information compiled by school districts or schools in the
5 development of their comprehensive safe school plans under RCW
6 28A.320.125, to the extent that they identify specific vulnerabilities
7 of school districts and each individual school;

8 (4) 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; ~~((and))~~

14 (5) The security section of transportation system safety and
15 security program plans required under RCW 35.21.228, 35A.21.300,
16 36.01.210, 36.57.120, 36.57A.170, and 81.112.180;

17 (6) A private key in the possession of a state agency or local
18 agency, as provided in RCW 19.34.240;

19 (7) The security section of the safety and security program plan
20 required for cities and towns that own or operate a rail fixed guideway
21 system, as provided in RCW 35.21.228;

22 (8) The security section of the safety and security program plan
23 required for code cities that own or operate a rail fixed guideway
24 system, as provided in RCW 35A.21.300;

25 (9) The security section of the safety and security program plan
26 required for counties functioning under chapter 36.56 RCW that own or
27 operate a rail fixed guideway system, as provided in RCW 36.01.210;

28 (10) The security section of the safety and security program plan
29 required for county transportation authorities that own or operate a
30 rail fixed guideway system, as provided in RCW 36.57.120;

31 (11) The security section of the safety and security program plan
32 required for public transportation benefit areas that own or operate a
33 rail fixed guideway system, as provided in RCW 36.57A.170;

34 (12) The security section of the safety and security program plan
35 of a rail fixed guideway system, as provided in RCW 81.104.115; and

36 (13) The security section of the safety and security program plan
37 for a rail fixed guideway system owned or operated by a regional
38 transit authority, as provided in RCW 81.112.180.

1 **Sec. 12.** RCW 42.56.450 and 2005 c 274 s 425 are each amended to
2 read as follows:

3 The following information relating to check cashers and sellers is
4 exempt from disclosure under this chapter:

5 (1) Information in an application for licensing or a small loan
6 endorsement under chapter 31.45 RCW regarding the personal residential
7 address, telephone number of the applicant, or financial statement (~~is~~
8 ~~exempt from disclosure under this chapter~~);

9 (2) Personal and trade secret information in applications for check
10 cashers and sellers, as provided in RCW 31.45.030 and 31.45.077; and

11 (3) Trade secret information in an annual report, as provided in
12 RCW 31.45.090.

13 **Sec. 13.** RCW 42.56.470 and 2005 c 274 s 427 are each amended to
14 read as follows:

15 The following information relating to correctional industries class
16 I work participants and applicants is exempt from disclosure under this
17 chapter:

18 (1) All records, documents, data, and other materials obtained
19 under the requirements of RCW 72.09.115 from an existing correctional
20 industries class I work program participant or an applicant for a
21 proposed new or expanded class I correctional industries work program
22 (~~are exempt from public disclosure under this chapter~~); and

23 (2) Records, documents, data, and other materials obtained from an
24 existing correctional industries class I work program participant or an
25 applicant for a new or expanded class I correctional industries work
26 program, as provided in RCW 72.09.116.

27 NEW SECTION. **Sec. 14.** A new section is added to chapter 42.56 RCW
28 to read as follows:

29 WEAPONS, FIREARMS. The following information relating to weapons
30 and firearms is exempt from disclosure under this chapter:

31 (1) Mediation communication, as provided in RCW 7.07.050;

32 (2) Mental health information received by: (a) The department of
33 licensing pursuant to RCW 9.41.047 or 9.41.170; (b) an issuing
34 authority pursuant to RCW 9.41.047 or 9.41.070; (c) a chief of police
35 or sheriff pursuant to RCW 9.41.090 or 9.41.170; (d) a court or law

1 enforcement agency pursuant to RCW 9.41.097, except as provided in RCW
2 42.56.240(4), as provided in RCW 9.41.097; and

3 (3) Records of applications for concealed pistol licenses provided
4 for in RCW 9.41.070, copies or records of applications for alien
5 firearm licenses, copies or records of applications to purchase pistols
6 provided for in RCW 9.41.090, and copies or records of pistol transfers
7 provided for in RCW 9.41.110, as provided in RCW 9.41.129.

8 NEW SECTION. **Sec. 15.** A new section is added to chapter 42.56 RCW
9 to read as follows:

10 QUALITY ASSURANCE. The following information relating to quality
11 assurance is exempt from disclosure under this chapter:

12 (1) Information and documents relating to quality assurance
13 committees, as provided in RCW 18.20.390; and

14 (2) Information and documents created for and collected and
15 maintained by a quality assurance committee, as provided in RCW
16 74.42.640.

17 NEW SECTION. **Sec. 16.** A new section is added to chapter 42.56 RCW
18 to read as follows:

19 MOTOR VEHICLES--DRIVERS' LICENSES. The following information
20 relating to motor vehicles and drivers' licenses is exempt from
21 disclosure under this chapter:

22 (1) The name or address of an individual vehicle owner, as provided
23 in RCW 46.12.380;

24 (2) Statements signed by a licensed physician or other proper
25 authority certifying a person's condition for purposes of a driver's
26 license, as provided in RCW 46.20.041; and

27 (3) Negatives in files of the department of licensing, as provided
28 in RCW 46.20.118.

29 NEW SECTION. **Sec. 17.** A new section is added to chapter 42.56 RCW
30 to read as follows:

31 STATE WELFARE PROGRAM. The confidential information used for
32 evaluation and analysis of welfare reform supplied to the authorized
33 requesting entities with regard to the WorkFirst program or successor
34 state welfare program, as provided in RCW 50.13.060, is exempt from
35 disclosure under this chapter.

1 NEW SECTION. **Sec. 18.** A new section is added to chapter 42.56 RCW
2 to read as follows:

3 ENVIRONMENTAL PROGRAMS. The following information relating to
4 environmental programs licenses is exempt from disclosure under this
5 chapter:

6 (1) Plans developed by hazardous waste generators and users, as
7 provided in RCW 70.95C.220;

8 (2) Examination reports and proprietary information obtained by the
9 Washington pollution liability insurance program director and the
10 director's staff, as provided in RCW 70.148.060; and

11 (3) Examination and proprietary reports and information obtained by
12 the Washington pollution liability insurance program director or the
13 director's appointed representative and all information obtained by the
14 director or the director's staff, as provided in RCW 70.149.090.

15 NEW SECTION. **Sec. 19.** CAPTIONS NOT LAW. Captions used in this
16 act are not any part of the law.

17 NEW SECTION. **Sec. 20.** This act takes effect July 1, 2006.

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