
ENGROSSED SUBSTITUTE HOUSE BILL 1980

State of Washington

64th Legislature

2015 Regular Session

By House State Government (originally sponsored by Representative Springer)

READ FIRST TIME 02/20/15.

1 AN ACT Relating to implementing recommendations of the sunshine
2 committee; amending RCW 42.56.230 and 70.148.060; reenacting and
3 amending RCW 42.56.240 and 42.56.330; and adding new sections to
4 chapter 38.52 RCW.

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

6 **Sec. 1.** RCW 42.56.230 and 2014 c 142 s 1 are each amended to
7 read as follows:

8 The following personal information is exempt from public
9 inspection and copying under this chapter:

10 (1) Personal information in any files maintained for students in
11 public schools, patients or clients of public institutions or public
12 health agencies, or welfare recipients;

13 (2)(a) Personal information:

14 (i) For a child enrolled in licensed child care in any files
15 maintained by the department of early learning; or

16 (ii) For a child enrolled in a public or nonprofit program
17 serving or pertaining to children, adolescents, or students,
18 including but not limited to early learning or child care services,
19 parks and recreation programs, youth development programs, and after-
20 school programs.

1 (b) Emergency contact information under this subsection (2) may
2 be provided to appropriate authorities and medical personnel for the
3 purpose of treating the individual during an emergency situation;

4 (3) Personal information in files maintained for employees,
5 appointees, or elected officials of any public agency to the extent
6 that disclosure would violate their right to privacy;

7 (4) Information required of any taxpayer in connection with the
8 assessment or collection of any tax if the disclosure of the
9 information to other persons would: (a) Be prohibited to such persons
10 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
11 authorized under RCW 35.102.145; or (b) violate the taxpayer's right
12 to privacy or result in unfair competitive disadvantage to the
13 taxpayer;

14 (5) Credit card numbers, debit card numbers, electronic check
15 numbers, card expiration dates, or bank or other financial (~~account~~
16 ~~numbers~~) information as defined in RCW 9.35.005 including social
17 security numbers, except when disclosure is expressly required by or
18 governed by other law;

19 (6) Personal and financial information related to a small loan or
20 any system of authorizing a small loan in RCW 31.45.093;

21 (7)(a) Any record used to prove identity, age, residential
22 address, social security number, or other personal information
23 required to apply for a driver's license or identicard.

24 (b) Information provided under RCW 46.20.111 that indicates that
25 an applicant declined to register with the selective service system.

26 (c) Any record pertaining to a vehicle license plate, driver's
27 license, or identicard issued under RCW 46.08.066 that, alone or in
28 combination with any other records, may reveal the identity of an
29 individual, or reveal that an individual is or was, performing an
30 undercover or covert law enforcement, confidential public health
31 work, public assistance fraud, or child support investigative
32 activity. This exemption does not prevent the release of the total
33 number of vehicle license plates, drivers' licenses, or identicards
34 that, under RCW 46.08.066, an agency or department has applied for,
35 been issued, denied, returned, destroyed, lost, and reported for
36 misuse.

37 (d) Any record pertaining to a vessel registration issued under
38 RCW 88.02.330 that, alone or in combination with any other records,
39 may reveal the identity of an individual, or reveal that an
40 individual is or was, performing an undercover or covert law

1 enforcement activity. This exemption does not prevent the release of
2 the total number of vessel registrations that, under RCW 88.02.330,
3 an agency or department has applied for, been issued, denied,
4 returned, destroyed, lost, and reported for misuse; and

5 (8) All information related to individual claims resolution
6 structured settlement agreements submitted to the board of industrial
7 insurance appeals under RCW 51.04.063, other than final orders from
8 the board of industrial insurance appeals.

9 Upon request by the legislature, the department of licensing
10 shall provide a report to the legislature containing all of the
11 information in subsection (7)(c) and (d) of this section that is
12 subject to public disclosure.

13 (9) Voluntarily submitted information contained in a database
14 that is part of or associated with enhanced 911 emergency
15 communications systems, or information contained or used in emergency
16 notification systems as provided under sections 5 and 6 of this act.

17 **Sec. 2.** RCW 42.56.240 and 2013 c 315 s 2, 2013 c 190 s 7, and
18 2013 c 183 s 1 are each reenacted and amended to read as follows:

19 The following investigative, law enforcement, and crime victim
20 information is exempt from public inspection and copying under this
21 chapter:

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

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

38 (3) Any records of investigative reports prepared by any state,
39 county, municipal, or other law enforcement agency pertaining to sex

1 offenses contained in chapter 9A.44 RCW or sexually violent offenses
2 as defined in RCW 71.09.020, which have been transferred to the
3 Washington association of sheriffs and police chiefs for permanent
4 electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

5 (4) License applications under RCW 9.41.070; copies of license
6 applications or information on the applications may be released to
7 law enforcement or corrections agencies;

8 (5) Information revealing the identity of child victims of sexual
9 assault who are under age eighteen. Identifying information (~~(means)~~)
10 includes, but is not limited to, the child victim's name, address,
11 location, photograph, and in cases in which the child victim is a
12 relative or stepchild of the alleged perpetrator, identification of
13 the relationship between the child and the alleged perpetrator;

14 (6) Information contained in a local or regionally maintained
15 gang database as well as the statewide gang database referenced in
16 RCW 43.43.762;

17 (7) Data from the electronic sales tracking system established in
18 RCW 69.43.165;

19 (8) Information submitted to the statewide unified sex offender
20 notification and registration program under RCW 36.28A.040(6) by a
21 person for the purpose of receiving notification regarding a
22 registered sex offender, including the person's name, residential
23 address, and email address;

24 (9) Personally identifying information collected by law
25 enforcement agencies pursuant to local security alarm system programs
26 and vacation crime watch programs. Nothing in this subsection shall
27 be interpreted so as to prohibit the legal owner of a residence or
28 business from accessing information regarding his or her residence or
29 business; (~~and~~)

30 (10) The felony firearm offense conviction database of felony
31 firearm offenders established in RCW 43.43.822; (~~and~~)

32 (11) The identity of a state employee or officer who has in good
33 faith filed a complaint with an ethics board, as provided in RCW
34 42.52.410, or who has in good faith reported improper governmental
35 action, as defined in RCW 42.40.020, to the auditor or other public
36 official, as defined in RCW 42.40.020; and

37 (12) The following security threat group information collected
38 and maintained by the department of corrections pursuant to RCW
39 72.09.745: (a) Information that could lead to the identification of a
40 person's security threat group status, affiliation, or activities;

1 (b) information that reveals specific security threats associated
2 with the operation and activities of security threat groups; and (c)
3 information that identifies the number of security threat group
4 members, affiliates, or associates.

5 **Sec. 3.** RCW 42.56.330 and 2014 c 170 s 2 and 2014 c 33 s 1 are
6 each reenacted and amended to read as follows:

7 The following information relating to public utilities and
8 transportation is exempt from disclosure under this chapter:

9 (1) Records filed with the utilities and transportation
10 commission or attorney general under RCW 80.04.095 or 81.77.210 that
11 a court has determined are confidential under RCW 80.04.095 or
12 81.77.210;

13 (2) The addresses, telephone numbers, electronic contact
14 information, and customer-specific utility usage and billing
15 information in increments less than a billing cycle of the customers
16 of a public utility contained in the records or lists held by the
17 public utility of which they are customers, except that this
18 information may be released to the division of child support or the
19 agency or firm providing child support enforcement for another state
20 under Title IV-D of the federal social security act, for the
21 establishment, enforcement, or modification of a support order;

22 (3) The names, residential addresses, residential telephone
23 numbers, and other individually identifiable records held by an
24 agency in relation to a vanpool, carpool, or other ride-sharing
25 program or service(~~(; however, these records)~~). Participant's names,
26 general locations, and point of contact may be disclosed to other
27 persons who apply for ride-matching services and who need that
28 information in order to identify potential riders or drivers with
29 whom to share rides;

30 (4) The personally identifying information of current or former
31 participants or applicants in a paratransit or other transit service
32 operated for the benefit of persons with disabilities or elderly
33 persons;

34 (5) The personally identifying information of persons who acquire
35 and use transit passes or other fare payment media including, but not
36 limited to, stored value smart cards and magnetic strip cards, except
37 that an agency may disclose personally identifying information to a
38 person, employer, educational institution, or other entity that is
39 responsible, in whole or in part, for payment of the cost of

1 acquiring or using a transit pass or other fare payment media for the
2 purpose of preventing fraud(~~(, or to the news media when reporting on~~
3 ~~public transportation or public safety)~~). As used in this subsection,
4 "personally identifying information" includes acquisition or use
5 information pertaining to a specific, individual transit pass or fare
6 payment media.

7 (a) Information regarding the acquisition or use of transit
8 passes or fare payment media may be disclosed in aggregate form if
9 the data does not contain any personally identifying information.

10 (b) Personally identifying information may be released to law
11 enforcement agencies if the request is accompanied by a court order;

12 (6) Any information obtained by governmental agencies that is
13 collected by the use of a motor carrier intelligent transportation
14 system or any comparable information equipment attached to a truck,
15 tractor, or trailer; however, the information may be given to other
16 governmental agencies or the owners of the truck, tractor, or trailer
17 from which the information is obtained. As used in this subsection,
18 "motor carrier" has the same definition as provided in RCW 81.80.010;

19 (7) The personally identifying information of persons who acquire
20 and use transponders or other technology to facilitate payment of
21 tolls. This information may be disclosed in aggregate form as long as
22 the data does not contain any personally identifying information. For
23 these purposes aggregate data may include the census tract of the
24 account holder as long as any individual personally identifying
25 information is not released. Personally identifying information may
26 be released to law enforcement agencies only for toll enforcement
27 purposes. Personally identifying information may be released to law
28 enforcement agencies for other purposes only if the request is
29 accompanied by a court order; and

30 (8) The personally identifying information of persons who acquire
31 and use a driver's license or identicard that includes a radio
32 frequency identification chip or similar technology to facilitate
33 border crossing. This information may be disclosed in aggregate form
34 as long as the data does not contain any personally identifying
35 information. Personally identifying information may be released to
36 law enforcement agencies only for United States customs and border
37 protection enforcement purposes. Personally identifying information
38 may be released to law enforcement agencies for other purposes only
39 if the request is accompanied by a court order.

1 **Sec. 4.** RCW 70.148.060 and 2005 c 274 s 341 are each amended to
2 read as follows:

3 (1) All (~~examination and proprietary reports and~~) information
4 except for proprietary reports or information obtained by the
5 director and the director's staff in soliciting bids from insurers
6 and in monitoring the insurer selected by the director shall (~~not~~)
7 be made public or otherwise disclosed to any person, firm,
8 corporation, agency, association, governmental body, or other entity.

9 (2) Subsection (1) of this section notwithstanding, the director
10 may furnish all or part of examination reports prepared by the
11 director or by any person, firm, corporation, association, or other
12 entity preparing the reports on behalf of the director to:

13 (a) The Washington state insurance commissioner;

14 (b) A person or organization officially connected with the
15 insurer as officer, director, attorney, auditor, or independent
16 attorney or independent auditor; and

17 (c) The attorney general in his or her role as legal advisor to
18 the director.

19 (3) Subsection (1) of this section notwithstanding, the director
20 may furnish all or part of the examination or proprietary reports or
21 information obtained by the director to:

22 (a) The Washington state insurance commissioner; and

23 (b) A person, firm, corporation, association, governmental body,
24 or other entity with whom the director has contracted for services
25 necessary to perform his or her official duties.

26 (4) (~~Examination reports and~~) Proprietary information obtained
27 by the director and the director's staff (~~are~~) is not subject to
28 public disclosure under chapter 42.56 RCW.

29 (5) A person who violates any provision of this section is guilty
30 of a gross misdemeanor.

31 NEW SECTION. **Sec. 5.** A new section is added to chapter 38.52
32 RCW to read as follows:

33 (1) Information contained in an automatic number identification
34 or automatic location identification database that is part of a
35 county enhanced 911 emergency communications system as defined in RCW
36 82.14B.020 and intended for display at a public safety answering
37 point with incoming 911 voice or data is confidential and exempt from
38 public inspection and copying under chapter 42.56 RCW.

1 (2) Information voluntarily submitted to be contained in a
2 database that is part of or associated with a county enhanced 911
3 emergency communications system as defined in RCW 82.14B.020 and
4 intended for the purpose of display at a public safety answering
5 point with incoming 911 voice or data is confidential and exempt from
6 public inspection and copying under chapter 42.56 RCW.

7 (3) This section shall not be interpreted to prohibit:

8 (a) Display of information at a public safety answering point;

9 (b) Dissemination of information by the public safety answering
10 point to police, fire, or emergency medical responders for display on
11 a device used by police, fire, or emergency medical responders for
12 the purpose of handling or responding to emergency calls or for
13 training;

14 (c) Maintenance of the database by a county;

15 (d) Dissemination of information by a county to local agency
16 personnel for inclusion in an emergency notification system that
17 makes outgoing calls to telephone numbers to provide notification of
18 a community emergency event;

19 (e) Inspection or copying by the subject of the information or an
20 authorized representative; or

21 (f) The public disclosure of information prepared, retained,
22 disseminated, transmitted, or recorded, for the purpose of handling
23 or responding to emergency calls, unless disclosure of any such
24 information is otherwise exempted under chapter 42.56 RCW or other
25 law.

26 NEW SECTION. **Sec. 6.** A new section is added to chapter 38.52
27 RCW to read as follows:

28 Information obtained from an automatic number identification or
29 automatic location identification database or voluntarily submitted
30 to a local agency for inclusion in an emergency notification system
31 is confidential and exempt from public inspection and copying under
32 chapter 42.56 RCW. This section shall not be interpreted to prohibit:

33 (1) Making outgoing calls to telephone numbers to provide
34 notification of a community emergency event;

35 (2) Maintenance of the database by a local agency; or

36 (3) Inspection or copying by the subject of the information or an
37 authorized representative.

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