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**HOUSE BILL 1899**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Representatives Kirby, Vick, Graham, and Young; by request of Department of Financial Institutions

Read first time 01/11/22. Referred to Committee on Consumer Protection & Business.

1 AN ACT Relating to confidentiality of certain data shared with  
2 the department of financial institutions; reenacting and amending RCW  
3 42.56.400; and adding a new section to chapter 43.320 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.320  
6 RCW to read as follows:

7 (1) Information provided to the department of financial  
8 institutions by an agency of another state or the federal government,  
9 or regulatory association comprised of members of financial  
10 regulatory agencies, to the extent such information is confidential  
11 or exempt from disclosure under specific federal law or the specific  
12 laws of another state, shall be exempt from disclosure under chapter  
13 42.56 RCW.

14 (2) The information in subsection (1) of this section is not  
15 exempt when included in records prepared by the department that  
16 represent agency action, as defined in RCW 34.05.010.

17 (3) For the purpose of regulating financial institutions, the  
18 director of financial institutions or the director's designee may  
19 enter into agreements governing the sharing, receiving, and use of  
20 documents, materials, or other information consistent with this  
21 section and chapter 42.56 RCW.

1       **Sec. 2.** RCW 42.56.400 and 2020 c 243 s 4 and 2020 c 240 s 9 are  
2 each reenacted and amended to read as follows:

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

5       (1) 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       (2) Information obtained and exempted or withheld from public  
9 inspection by the health care authority under RCW 41.05.026, whether  
10 retained by the authority, transferred to another state purchased  
11 health care program by the authority, or transferred by the authority  
12 to a technical review committee created to facilitate the  
13 development, acquisition, or implementation of state purchased health  
14 care under chapter 41.05 RCW;

15       (3) The names and individual identification data of either all  
16 owners or all insureds, or both, received by the insurance  
17 commissioner under chapter 48.102 RCW;

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

19       (5) Information provided under RCW 48.05.510 through 48.05.535,  
20 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and  
21 48.46.600 through 48.46.625;

22       (6) Examination reports and information obtained by the  
23 department of financial institutions from banks under RCW 30A.04.075,  
24 from savings banks under RCW 32.04.220, from savings and loan  
25 associations under RCW 33.04.110, from credit unions under RCW  
26 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and  
27 from securities brokers and investment advisers under RCW 21.20.100,  
28 and information received under section 1 of this act, all of which  
29 (~~is~~) are confidential and privileged information;

30       (7) Information provided to the insurance commissioner under RCW  
31 48.110.040(3);

32       (8) Documents, materials, or information obtained by the  
33 insurance commissioner under RCW 48.02.065, all of which are  
34 confidential and privileged;

35       (9) Documents, materials, or information obtained or provided by  
36 the insurance commissioner under RCW 48.31B.015(2) (l) and (m),  
37 48.31B.025, 48.31B.030, 48.31B.035, and 48.31B.036, all of which are  
38 confidential and privileged;

39       (10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and  
40 7.70.140 that, alone or in combination with any other data, may

1 reveal the identity of a claimant, health care provider, health care  
2 facility, insuring entity, or self-insurer involved in a particular  
3 claim or a collection of claims. For the purposes of this subsection:

4 (a) "Claimant" has the same meaning as in RCW 48.140.010(2).

5 (b) "Health care facility" has the same meaning as in RCW  
6 48.140.010(6).

7 (c) "Health care provider" has the same meaning as in RCW  
8 48.140.010(7).

9 (d) "Insuring entity" has the same meaning as in RCW  
10 48.140.010(8).

11 (e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

12 (11) Documents, materials, or information obtained by the  
13 insurance commissioner under RCW 48.135.060;

14 (12) Documents, materials, or information obtained by the  
15 insurance commissioner under RCW 48.37.060;

16 (13) Confidential and privileged documents obtained or produced  
17 by the insurance commissioner and identified in RCW 48.37.080;

18 (14) Documents, materials, or information obtained by the  
19 insurance commissioner under RCW 48.37.140;

20 (15) Documents, materials, or information obtained by the  
21 insurance commissioner under RCW 48.17.595;

22 (16) Documents, materials, or information obtained by the  
23 insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and  
24 (7) (a) (ii);

25 (17) Documents, materials, or information obtained by the  
26 insurance commissioner in the commissioner's capacity as receiver  
27 under RCW 48.31.025 and 48.99.017, which are records under the  
28 jurisdiction and control of the receivership court. The commissioner  
29 is not required to search for, log, produce, or otherwise comply with  
30 the public records act for any records that the commissioner obtains  
31 under chapters 48.31 and 48.99 RCW in the commissioner's capacity as  
32 a receiver, except as directed by the receivership court;

33 (18) Documents, materials, or information obtained by the  
34 insurance commissioner under RCW 48.13.151;

35 (19) Data, information, and documents provided by a carrier  
36 pursuant to section 1, chapter 172, Laws of 2010;

37 (20) Information in a filing of usage-based insurance about the  
38 usage-based component of the rate pursuant to RCW 48.19.040(5) (b);

1 (21) Data, information, and documents that are submitted to the  
2 office of the insurance commissioner by an entity providing health  
3 care coverage pursuant to RCW 28A.400.275;

4 (22) Data, information, and documents obtained by the insurance  
5 commissioner under RCW 48.29.017;

6 (23) Information not subject to public inspection or public  
7 disclosure under RCW 48.43.730(5);

8 (24) Documents, materials, or information obtained by the  
9 insurance commissioner under chapter 48.05A RCW;

10 (25) Documents, materials, or information obtained by the  
11 insurance commissioner under RCW 48.74.025, 48.74.028, 48.74.100(6),  
12 48.74.110(2) (b) and (c), and 48.74.120 to the extent such documents,  
13 materials, or information independently qualify for exemption from  
14 disclosure as documents, materials, or information in possession of  
15 the commissioner pursuant to a financial conduct examination and  
16 exempt from disclosure under RCW 48.02.065;

17 (26) Nonpublic personal health information obtained by, disclosed  
18 to, or in the custody of the insurance commissioner, as provided in  
19 RCW 48.02.068;

20 (27) Data, information, and documents obtained by the insurance  
21 commissioner under RCW 48.02.230;

22 (28) Documents, materials, or other information, including the  
23 corporate annual disclosure obtained by the insurance commissioner  
24 under RCW 48.195.020;

25 (29) Findings and orders disapproving acquisition of a trust  
26 institution under RCW 30B.53.100(3);

27 (30) All claims data, including health care and financial related  
28 data received under RCW 41.05.890, received and held by the health  
29 care authority; and

30 (31) Contracts not subject to public disclosure under RCW  
31 48.200.040 and 48.43.731.

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