

Attachment A

RCW 42.56 - Exempt Records

RCW 42.56.210 – Certain Personal and Other Records Exempt

The following are exempt from public inspection and copying:

RCW 42.56.230 – Personal Information

1. Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.
2. Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.
3. Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (a) be prohibited to such persons by RCW 84.08.210, 82.32.330, or 84.40.340 or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.
4. Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

RCW 42.56.240 – Investigative, Law Enforcement and Crime Victims

1. Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.
2. Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).
3. Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates

AD 557002A – Making Public Records Available

a desire for disclosure or nondisclosure, such desire shall govern.

However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

4. License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies.
5. Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.

RCW 42.56.250 – Employment and Licensing

1. Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.
2. All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
3. The residential addresses or residential telephone numbers of employees or volunteers of a public agency that are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.
4. Information that identifies a person who, while an agency employee:
(a) seeks advise, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (b) requests his or her identity or any identifying information not to be disclosed.
5. Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.
6. Except as provided in RCW 47.64.220, salary and employee benefit information collected under RCW 47.64.220(1) and described in RCW 47.64.220(2).

RCW 42.56.260 – Real Estate Appraisals

1. Except as provided by RCW 8.26, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property,

until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

RCW 42.56.270 – Financial, Commercial and Proprietary Information

1. Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.
2. Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.
3. Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035.
4. Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.
5. Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.
6. Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.
7. Financial and valuable trade information under RCW 51.36.120.
8. Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.
9. Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.
10. Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other

AD 557002A – Making Public Records Available

entity related to an application for a liquor license, gambling license, or lottery retail license.

11. Proprietary data, trade secrets, or other information that relates to: (a) a vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.
12. (a) When supplied to and in the records of the department of community, trade, and economic development: (i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and (ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business.
 - (b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work products is not exempt from disclosure.
 - (c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site.
 - (d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter.

RCW 42.56.280 – Preliminary Drafts, Notes, Recommendations, Intra-Agency Memorandums

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

RCW 42.56.290 – Agency Party to Controversy

AD 557002A – Making Public Records Available

1. Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

RCW 42.56.300 – Archaeological Sites

1. Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

RCW 42.56.310 – Library Records

1. Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

RCW 42.56.320 – Educational Information

1. Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.
2. Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.
3. Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.
4. Except for public records as defined in RCW 40.14.040, any records or documents obtained by a state college, university, library, or archive through or concerning any gift, grant, conveyance, bequest, or devise, the terms of which restrict or regulate public access to those records or documents.

RCW 42.56.330 – Public Utilities and Transportation

1. Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.
2. The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

AD 557002A – Making Public Records Available

3. The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service, however, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.
4. The personally identifying information of a current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.
5. The personally identifying information of persons who acquire and use transit, passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.
6. Records of any person that belong to a public utility district or a municipally owned electrical utility, unless the law enforcement authority provides the public utility district or municipally owned electrical utility with a written statement in which the authority states that it suspects that the particular person to whom the records pertain has committed a crime and the authority has a reasonable belief that the records could determine or help determine whether the suspicion might be true. Information obtained in violation of this subsection is inadmissible in any criminal proceeding.
7. Any information obtained by governmental agencies that is collected by the use of a motor carrier intelligent transportation system or any comparable information equipment attached to a truck, tractor, or trailer from which the information is obtained. As used in this subsection, "motor carrier" has the same definition as provided in RCW 81.80.010.

RCW 42.56.340 - Timeshare, Condominium, Etc. Owner Lists

1. Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

RCW 42.56.350 – Health Professionals

1. The federal Social Security number of individuals governed under chapter 18.030 RCW maintained in the files of the department of health is exempt

from disclosure under this chapter. The exemption in this section does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations.

2. The current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department of health an accurate alternate or business address and business telephone number. The current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department of health shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.56.07(9).

RCW 42.56.360 – Health Care

1. (a) Information obtained by the board of pharmacy as provided in RCW 69.45.090.
- (b) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.
- (c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.
- (d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310.
- (d)(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure.

AD 557002A – Making Public Records Available

- (d)(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.
 - (e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340.
 - (f) Except for published statistical compilations and reports relating to the infant mortality review studies that do not identify individual cases and sources of information, any records or documents obtained, prepared, or maintained by the local health department for the purposes of an infant mortality review conducted by the department of health under RCW 70.05.170.
 - (g) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1).
2. Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

RCW 42.56.370 – Domestic Violence Program, Rape Crisis Center Clients

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

RCW 42.56.380 – Agriculture and Livestock

1. Business related information under RCW 15.86.110.
2. Information provided under RCW 15.54.362.
3. Production or sales records required to determine assessment levels and actual assessment payments to commodity boards and commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, and 16.67 RCW or required by the department of agriculture to administer these chapters of the department's programs.
4. Consignment information contained on phytosanitary certificates issued by the department of agriculture under chapters 15.13, 15.49, and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States department of agriculture, or on applications for phytosanitary certification required by the department of agriculture.
5. Financial and commercial information and records supplied by persons (a) to the department of agriculture for the purpose of conducting a

AD 557002A – Making Public Records Available

referendum for the potential establishment of a commodity board or commission; or (b) to the department of agriculture or commodity boards or commissions formed under chapter 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, or 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information.

6. Except under RCW 15.19.080, information obtained regarding the purchases, sales, or production of an individual American ginseng grower or dealer.
7. Information that can be identified to a particular business and that is collected under section 3(1), chapter 235, Laws of 2002.
8. Financial statement provided under RCW 16.65.030(1)(d).

RCW 42.56.390 – Emergency or Transitional Housing

1. Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

RCW 42.56.400 – Insurance and Financial Institutions

1. Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.
2. Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.
3. The names and individual identification data of all viators regulated by the insurance commissioner under chapter 48.102 RCW.
4. Information provided under RCW 48.30A.045 through 48.30A.060.
5. Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530, through 48.44.555, and 48.46.600 through 48.46.625.
6. Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business.
7. Examination reports and information obtained by the department of financial institutions from banks under RCW 30.40.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030 (3), and from securities brokers

AD 557002A – Making Public Records Available

and investment advisers under RCW 21.20.100, all of which is confidential and privileged information.

8. Information provided to the insurance commissioner under RCW 48.110.040 (3).
9. Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged.
10. Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070.

RCW 42.56.410 – Employment Security Department Records, Certain Purposes

1. Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

RCW 42.56.420 – Security

1. Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:
 - (a) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans.
 - (b) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.
2. Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

AD 557002A – Making Public Records Available

3. Information compiled by school districts or schools in the development of their comprehensive safe school plans under RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.
4. Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.
5. The security section of transportation system safety and security program plans required under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180.

RCW 42.56.430 – Fish and Wildlife

1. Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data, however, this information may be released to government agencies concerned with the management of fish and wildlife resources.
2. Sensitive wildlife data obtained by the department of fish and wildlife, however, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. As used in this subsection, sensitive wildlife data includes:
 - (a) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife.
 - (b) Radio frequencies used in, or locational data generated by, telemetry studies.
 - (c) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:
 - (i) The species has a known commercial or black market value.
 - (ii) There is a history of malicious take of that species.
 - (iii) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable

or the species has an extremely limited distribution and concentration.

3. The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag; however, the department of fish and wildlife may disclose personally identifying information to:
 - (a) Government agencies concerned with the management of fish and wildlife resources.
 - (b) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291.
 - (c) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

RCW 42.56.440 – Veterans’ Discharge Papers

1. Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents are exempt from disclosure under this chapter. These records will be available only to the veteran, the veteran’s next of kin, a deceased veteran’s properly appointed personal representative or executor, a person holding that veteran’s general power of attorney, or to anyone else designated in writing by that veteran to receive the records.
2. Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records are exempt from disclosure, if the veteran has recorded a “request for exemption from public disclosure of discharge papers” with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran’s next of kin, a deceased veteran’s properly appointed personal representative or executor, a person holding the veteran’s general power of attorney, or anyone else designated in writing by the veteran to receive the records.
3. Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran’s next of kin, a deceased veteran’s properly appointed personal representative or executor, a person holding the

AD 557002A – Making Public Records Available

veteran's general power of attorney, or anyone else designed in writing by the veteran to receive the records.

4. For the purposes of this section, next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

RCW 42.56.450 – Check Cashers and Sellers Licensing Applications

1. Information in an application for licensing or a small loan endorsement under chapter 31.45 RCW regarding the personal residential address, telephone number of the applicant, or financial statement is exempt from disclosure under this chapter.

RCW 42.56.460 – Fireworks

1. All records obtained and all reports produced as required by the state fireworks law, chapter 70.77 RCW are exempt from disclosure under this chapter.

RCW 42.56.470 – Correctional Industries Workers

1. All records, documents, data, and other materials obtained under the requirements of RCW 72.09.115 from an existing correctional industries class 1 work program participant or an applicant for a proposed new or expanded class 1 correctional industries work program are exempt from public disclosure under this chapter.

RCW 42.56.510 – Duty to Disclose or Withhold Information – Otherwise Prohibited

1. Nothing in RCW 42.56.250 and 42.56.330 shall affect a positive duty of an agency to disclose or a positive duty to withhold information which duty to disclose or withhold is contained in any other law.