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**SUBSTITUTE HOUSE BILL 1511**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** House Committee on Appropriations (originally sponsored by Representatives Anderson, Silver, Pruitt, Winsley, Leonard, Riley, Beck, H. Myers, R. King, Wynne, Van Luven, Ludwig, Orr, Brekke, Roland and Brough).

Read first time February 25, 1991.

1 AN ACT Relating to the disclosure of information from public  
2 records by state and local agencies; amending RCW 42.17.310; and  
3 declaring an emergency.

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

5 **Sec. 1.** RCW 42.17.310 and 1990 2nd ex.s. c 1 s 1103 are each  
6 amended to read as follows:

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

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

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

14 (c) Information required of any taxpayer in connection with the  
15 assessment or collection of any tax if the disclosure of the

1 information to other persons would (i) be prohibited to such persons by  
2 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result  
3 in unfair competitive disadvantage to the taxpayer.

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

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

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

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

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

5 (j) Records which are relevant to a controversy to which an agency  
6 is a party but which records would not be available to another party  
7 under the rules of pretrial discovery for causes pending in the  
8 superior courts.

9 (k) Records, maps, or other information identifying the location of  
10 archaeological sites in order to avoid the looting or depredation of  
11 such sites.

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

15 (m) Financial information supplied by or on behalf of a person,  
16 firm, or corporation for the purpose of qualifying to submit a bid or  
17 proposal for (a) a ferry system construction or repair contract as  
18 required by RCW 47.60.680 through 47.60.750 or (b) highway construction  
19 or improvement as required by RCW 47.28.070.

20 (n) Railroad company contracts filed with the utilities and  
21 transportation commission under RCW 81.34.070, except that the  
22 summaries of the contracts are open to public inspection and copying as  
23 otherwise provided by this chapter.

24 (o) Financial and commercial information and records supplied by  
25 private persons pertaining to export services provided pursuant to  
26 chapter 43.163 RCW and chapter 53.31 RCW.

27 (p) Financial disclosures filed by private vocational schools under  
28 chapter 28C.10 RCW.

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

4 (r) Financial and commercial information and records supplied by  
5 businesses during application for loans or program services provided by  
6 chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

7 (s) Membership lists or lists of members or owners of interests of  
8 units in timeshare projects, subdivisions, camping resorts,  
9 condominiums, land developments, or common-interest communities  
10 affiliated with such projects, regulated by the department of  
11 licensing, in the files or possession of the department.

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

15 (u) The residential addresses and residential telephone numbers of  
16 employees or volunteers of a public agency which are held by the agency  
17 in personnel records, employment or volunteer rosters, or mailing lists  
18 of employees or volunteers.

19 (v) The residential addresses and residential telephone numbers of  
20 the customers of a public utility contained in the records or lists  
21 held by the public utility of which they are customers.

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

24 (x) Information obtained by the board of pharmacy and its  
25 representatives as provided in RCW 69.41.044 and 69.41.280.

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

1 (z) Financial and commercial information supplied to the state  
2 investment board by any person when the information relates to the  
3 investment of public trust or retirement funds and when disclosure  
4 would result in loss to such funds or in private loss to the providers  
5 of this information.

6 (aa) Financial and valuable trade information under RCW 51.36.120.

7 (bb) Effective (~~March 1, 1991~~) July 1, 1992, the work and home  
8 addresses, other than the city of residence, of a person shall remain  
9 undisclosed or be omitted from all documents made available for public  
10 review if that person requests in writing, under oath, that these  
11 addresses be kept private because disclosure would endanger his or her  
12 life, physical safety, or property. This provision does not in any way  
13 restrict the sharing or collection of information by state and local  
14 governmental agencies required for the daily administration of their  
15 duties. The secretary of state shall administer this provision and  
16 establish the procedures and rules that are necessary for its  
17 operation. An agency that has not been furnished with a request for  
18 confidentiality of address information is not liable for damages  
19 resulting from its disclosure of the information. For purpose of  
20 service of process, the secretary of state shall serve as agent for  
21 each person who submits a request under this subsection. A request  
22 shall be of no force or effect if the requester does not include a  
23 statement, along with or part of the request, designating the secretary  
24 of state as agent of the requester for purposes of service of process.

25 (2) Except for information described in subsection (1)(c)(i) of  
26 this section and confidential income data exempted from public  
27 inspection pursuant to RCW 84.40.020, the exemptions of this section  
28 are inapplicable to the extent that information, the disclosure of  
29 which would violate personal privacy or vital governmental interests,  
30 can be deleted from the specific records sought. No exemption may be

1 construed to permit the nondisclosure of statistical information not  
2 descriptive of any readily identifiable person or persons.

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

9 (4) Agency responses refusing, in whole or in part, inspection of  
10 any public record shall include a statement of the specific exemption  
11 authorizing the withholding of the record (or part) and a brief  
12 explanation of how the exemption applies to the record withheld.

13 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
14 preservation of the public peace, health, or safety, or support of the  
15 state government and its existing public institutions, and shall take  
16 effect immediately.