CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2865

Chapter 182, Laws of 1994

53rd Legislature
1994 Regular Session

PUBLIC DISCLOSURE--EXEMPTIONS--LOCAL ECONOMIC DEVELOPMENT PROGRAMS AND CLEAN WASHINGTON CENTER APPLICATIONS

EFFECTIVE DATE: 7/1/94

Passed by the House March 5, 1994
Yeas 93  Nays 0

BRIAN EBERSOLE
Speaker of the House of Representatives

Passed by the Senate March 3, 1994
Yeas 43  Nays 1

JOEL PRITCHARD
President of the Senate

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 2865 as passed by the House of Representatives and the Senate on the dates hereon set forth.

Marilyn Showalter
Chief Clerk

Approved March 30, 1994

MIKE LOWRY
Governor of the State of Washington

FILED
March 30, 1994 - 1:32 p.m.

Secretary of State
State of Washington
AN ACT Relating to disclosure of information in local government economic development programs; reenacting and amending RCW 42.17.310; and providing an effective date.

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

Sec. 1. RCW 42.17.310 and 1993 c 360 s 2, 1993 c 320 s 9, and 1993 c 280 s 35 are each reenacted and amended to read as follows:
(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.
(b) 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.
(c) 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 (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer’s right to privacy or result in unfair competitive disadvantage to the taxpayer.
(d) 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.

(e) 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 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.

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

(g) Except as provided by chapter 8.26 RCW, 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.

(h) 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.

(i) 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.

(j) 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.

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

(m) 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 (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

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

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

(q) 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.

(r) 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.

(s) 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.

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

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

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption 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; (ii) 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 an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying if the provider has provided the department with an accurate alternative or business address and telephone number.

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) 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.

(z) 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.

(aa) 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.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or a rape crisis center as defined in RCW 70.125.030.
(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, 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 (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Business related information protected from public inspection and copying under RCW 15.86.110.

(ff) 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.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

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

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

NEW SECTION. Sec. 2. This act shall take effect July 1, 1994.

Passed the House March 5, 1994.
Approved by the Governor March 30, 1994.
Filed in Office of Secretary of State March 30, 1994.