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HOUSE BILL 1813

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State of Washington                      54th Legislature                      1995 Regular Session  
By Representatives Mulliken, Mason, Sheahan, Blanton, Carlson,  
Goldsmith, Jacobsen and Delvin

Read first time 02/09/95. Referred to Committee on Higher Education.

1            AN ACT Relating to financial disclosures by private degree-granting  
2 institutions; amending RCW 28B.85.020; and reenacting and amending RCW  
3 42.17.310.

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

5            **Sec. 1.** RCW 28B.85.020 and 1994 c 38 s 1 are each amended to read  
6 as follows:

7            (1) The board:

8            ~~((1))~~ (a) Shall adopt by rule minimum standards for degree-  
9 granting institutions concerning granting of degrees, quality of  
10 education, unfair business practices, financial stability, and other  
11 necessary measures to protect citizens of this state against  
12 substandard, fraudulent, or deceptive practices. The board shall adopt  
13 the rules in accordance with chapter 34.05 RCW;

14            ~~((2))~~ (b) May investigate any entity the board reasonably  
15 believes to be subject to the jurisdiction of this chapter. In  
16 connection with the investigation, the board may administer oaths and  
17 affirmations, issue subpoenas and compel attendance, take evidence, and  
18 require the production of any books, papers, correspondence,  
19 memorandums, or other records which the board deems relevant or

1 material to the investigation. The board, including its staff and any  
2 other authorized persons, may conduct site inspections and examine  
3 records of all institutions subject to this chapter;

4 ~~((3))~~ (c) Shall develop an interagency agreement with the work  
5 force training and education coordinating board to regulate degree-  
6 granting private vocational schools with respect to degree and  
7 nondegree programs.

8 (2) Financial disclosures provided to the board are not subject to  
9 public disclosure under chapter 42.17 RCW.

10 **Sec. 2.** RCW 42.17.310 and 1994 c 233 s 2 and 1994 c 182 s 1 are  
11 each reenacted and amended to read as follows:

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

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

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

19 (c) Information required of any taxpayer in connection with the  
20 assessment or collection of any tax if the disclosure of the  
21 information to other persons would (i) be prohibited to such persons by  
22 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result  
23 in unfair competitive disadvantage to the taxpayer.

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

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

1 candidate for public office must be made in writing and signed by the  
2 complainant under oath.

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

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

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

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

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

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

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

29 (m) Financial information supplied by or on behalf of a person,  
30 firm, or corporation for the purpose of qualifying to submit a bid or  
31 proposal for (i) a ferry system construction or repair contract as  
32 required by RCW 47.60.680 through 47.60.750 or (ii) highway  
33 construction or improvement as required by RCW 47.28.070.

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

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

4 (p) Financial disclosures filed by private vocational schools under  
5 chapters 28B.85 and 28C.10 RCW.

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

9 (r) Financial and commercial information and records supplied by  
10 businesses or individuals during application for loans or program  
11 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,  
12 or during application for economic development loans or program  
13 services provided by any local agency.

14 (s) Membership lists or lists of members or owners of interests of  
15 units in timeshare projects, subdivisions, camping resorts,  
16 condominiums, land developments, or common-interest communities  
17 affiliated with such projects, regulated by the department of  
18 licensing, in the files or possession of the department.

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

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

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

29 (w)(i) The federal social security number of individuals governed  
30 under chapter 18.130 RCW maintained in the files of the department of  
31 health, except this exemption does not apply to requests made directly  
32 to the department from federal, state, and local agencies of  
33 government, and national and state licensing, credentialing,  
34 investigatory, disciplinary, and examination organizations; (ii) the  
35 current residential address and current residential telephone number of  
36 a health care provider governed under chapter 18.130 RCW maintained in  
37 the files of the department, if the provider requests that this  
38 information be withheld from public inspection and copying, and  
39 provides to the department an accurate alternate or business address

1 and business telephone number. On or after January 1, 1995, the  
2 current residential address and residential telephone number of a  
3 health care provider governed under RCW 18.130.140 maintained in the  
4 files of the department shall automatically be withheld from public  
5 inspection and copying if the provider has provided the department with  
6 an accurate alternative or business address and telephone number.

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

9 (y) Information obtained by the board of pharmacy or the department  
10 of health and its representatives as provided in RCW 69.41.044,  
11 69.41.280, and 18.64.420.

12 (z) Financial information, business plans, examination reports, and  
13 any information produced or obtained in evaluating or examining a  
14 business and industrial development corporation organized or seeking  
15 certification under chapter 31.24 RCW.

16 (aa) Financial and commercial information supplied to the state  
17 investment board by any person when the information relates to the  
18 investment of public trust or retirement funds and when disclosure  
19 would result in loss to such funds or in private loss to the providers  
20 of this information.

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

22 (cc) Client records maintained by an agency that is a domestic  
23 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape  
24 crisis center as defined in RCW 70.125.030.

25 (dd) Information that identifies a person who, while an agency  
26 employee: (i) Seeks advice, under an informal process established by  
27 the employing agency, in order to ascertain his or her rights in  
28 connection with a possible unfair practice under chapter 49.60 RCW  
29 against the person; and (ii) requests his or her identity or any  
30 identifying information not be disclosed.

31 (ee) Investigative records compiled by an employing agency  
32 conducting a current investigation of a possible unfair practice under  
33 chapter 49.60 RCW or of a possible violation of other federal, state,  
34 or local laws prohibiting discrimination in employment.

35 (ff) Business related information protected from public inspection  
36 and copying under RCW 15.86.110.

37 (gg) Financial, commercial, operations, and technical and research  
38 information and data submitted to or obtained by the clean Washington

1 center in applications for, or delivery of, program services under  
2 chapter 70.95H RCW.

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

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

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

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