
SENATE BILL 6291

State of Washington

54th Legislature

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By Senators Prentice, Fraser, Kohl, Thibaudeau and Pelz; by request of Insurance Commissioner

Read first time 01/10/96. Referred to Committee on Financial Institutions & Housing.

1 AN ACT Relating to confidential information received by the
2 insurance commissioner; and amending RCW 42.17.310 and 48.02.120.

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

4 **Sec. 1.** RCW 42.17.310 and 1995 c 267 s 6 are each amended to read
5 as follows:

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

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

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

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

18 (d) Specific intelligence information and specific investigative
19 records compiled by investigative, law enforcement, and penology

1 agencies, and state agencies vested with the responsibility to
2 discipline members of any profession, the nondisclosure of which is
3 essential to effective law enforcement or for the protection of any
4 person's right to privacy.

5 (e) Information revealing the identity of persons who are witnesses
6 to or victims of crime or who file complaints with investigative, law
7 enforcement, or penology agencies, other than the public disclosure
8 commission, if disclosure would endanger any person's life, physical
9 safety, or property. If at the time a complaint is filed the
10 complainant, victim or witness indicates a desire for disclosure or
11 nondisclosure, such desire shall govern. However, all complaints filed
12 with the public disclosure commission about any elected official or
13 candidate for public office must be made in writing and signed by the
14 complainant under oath.

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

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

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

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

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

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

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

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

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

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

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

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

21 (r) Financial and commercial information and records supplied by
22 businesses or individuals during application for loans or program
23 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
24 or during application for economic development loans or program
25 services provided by any local agency.

26 (s) Membership lists or lists of members or owners of interests of
27 units in timeshare projects, subdivisions, camping resorts,
28 condominiums, land developments, or common-interest communities
29 affiliated with such projects, regulated by the department of
30 licensing, in the files or possession of the department.

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

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

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

4 (w)(i) The federal social security number of individuals governed
5 under chapter 18.130 RCW maintained in the files of the department of
6 health, except this exemption does not apply to requests made directly
7 to the department from federal, state, and local agencies of
8 government, and national and state licensing, credentialing,
9 investigatory, disciplinary, and examination organizations; (ii) the
10 current residential address and current residential telephone number of
11 a health care provider governed under chapter 18.130 RCW maintained in
12 the files of the department, if the provider requests that this
13 information be withheld from public inspection and copying, and
14 provides to the department an accurate alternate or business address
15 and business telephone number. On or after January 1, 1995, the
16 current residential address and residential telephone number of a
17 health care provider governed under RCW 18.130.140 maintained in the
18 files of the department shall automatically be withheld from public
19 inspection and copying if the provider has provided the department with
20 an accurate alternative or business address and telephone number.

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

23 (y) Information obtained by the board of pharmacy or the department
24 of health and its representatives as provided in RCW 69.41.044,
25 69.41.280, and 18.64.420.

26 (z) 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.

30 (aa) Financial and commercial information supplied to the state
31 investment board by any person when the information relates to the
32 investment of public trust or retirement funds and when disclosure
33 would result in loss to such funds or in private loss to the providers
34 of this information.

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

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

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

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

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

13 (gg) Financial, commercial, operations, and technical and research
14 information and data submitted to or obtained by the clean Washington
15 center in applications for, or delivery of, program services under
16 chapter 70.95H RCW.

17 (hh) Information and documents created specifically for, and
18 collected and maintained by a quality improvement committee pursuant to
19 RCW 43.70.510, regardless of which agency is in possession of the
20 information and documents.

21 (ii) Information that identifies, or tends to identify, any person
22 who makes a complaint, or brings any inquiry to the insurance
23 commissioner. This includes health care information, under RCW
24 42.17.312, that is in the possession of the insurance commissioner.
25 Any natural person who has made a complaint or brought an inquiry, or
26 who is the subject of the health care information, may consent in
27 writing for the insurance commissioner to disclose that information to
28 third parties. An insurance contract or other contract for coverage,
29 or other contract form, may not contain any waiver of the rights
30 guaranteed by this subsection.

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

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

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

11 **Sec. 2.** RCW 48.02.120 and 1985 c 264 s 2 are each amended to read
12 as follows:

13 (1) The commissioner shall preserve in permanent form records of
14 his or her proceedings, hearings, investigations, and examinations, and
15 shall file such records in his or her office.

16 (2) The records of the commissioner and insurance filings in his or
17 her office shall be open to public inspection, except as otherwise
18 provided by this code or under chapter 42.17 RCW.

19 (3) Actuarial formulas, statistics, and assumptions submitted in
20 support of a rate or form filing by an insurer, health care service
21 contractor, or health maintenance organization or submitted to the
22 commissioner upon his or her request shall be withheld from public
23 inspection in order to preserve trade secrets or prevent unfair
24 competition.

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