
SUBSTITUTE HOUSE BILL 1980

State of Washington 64th Legislature 2015 Regular Session

By House State Government (originally sponsored by Representative Springer)

READ FIRST TIME 02/20/15.

1 AN ACT Relating to implementing recommendations of the sunshine
2 committee; amending RCW 42.56.230, and 70.148.060; reenacting and
3 amending RCW 42.56.240 and 42.56.330; adding new sections to chapter
4 38.52 RCW; and creating a new section.

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

6 **Sec. 1.** RCW 42.56.230 and 2014 c 142 s 1 are each amended to
7 read as follows:

8 The following personal information is exempt from public
9 inspection and copying under this chapter:

10 (1) Personal information in any files maintained for students in
11 public schools, patients or clients of public institutions or public
12 health agencies, or welfare recipients;

13 (2)(a) Personal information:

14 (i) For a child enrolled in licensed child care in any files
15 maintained by the department of early learning; or

16 (ii) For a child enrolled in a public or nonprofit program
17 serving or pertaining to children, adolescents, or students,
18 including but not limited to early learning or child care services,
19 parks and recreation programs, youth development programs, and after-
20 school programs.

1 (b) Emergency contact information under this subsection (2) may
2 be provided to appropriate authorities and medical personnel for the
3 purpose of treating the individual during an emergency situation;

4 (3) Personal information in files maintained for employees,
5 appointees, or elected officials of any public agency to the extent
6 that disclosure would violate their right to privacy;

7 (4) Information required of any taxpayer in connection with the
8 assessment or collection of any tax if the disclosure of the
9 information to other persons would: (a) Be prohibited to such persons
10 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
11 authorized under RCW 35.102.145; or (b) violate the taxpayer's right
12 to privacy or result in unfair competitive disadvantage to the
13 taxpayer;

14 (5) Credit card numbers, debit card numbers, electronic check
15 numbers, card expiration dates, or bank or other financial (~~account~~
16 ~~numbers~~) information as defined in RCW 9.35.005 including social
17 security numbers, except when disclosure is expressly required by or
18 governed by other law;

19 (6) Personal and financial information related to a small loan or
20 any system of authorizing a small loan in RCW 31.45.093;

21 (7)(a) Any record used to prove identity, age, residential
22 address, social security number, or other personal information
23 required to apply for a driver's license or identicard.

24 (b) Information provided under RCW 46.20.111 that indicates that
25 an applicant declined to register with the selective service system.

26 (c) Any record pertaining to a vehicle license plate, driver's
27 license, or identicard issued under RCW 46.08.066 that, alone or in
28 combination with any other records, may reveal the identity of an
29 individual, or reveal that an individual is or was, performing an
30 undercover or covert law enforcement, confidential public health
31 work, public assistance fraud, or child support investigative
32 activity. This exemption does not prevent the release of the total
33 number of vehicle license plates, drivers' licenses, or identicards
34 that, under RCW 46.08.066, an agency or department has applied for,
35 been issued, denied, returned, destroyed, lost, and reported for
36 misuse.

37 (d) Any record pertaining to a vessel registration issued under
38 RCW 88.02.330 that, alone or in combination with any other records,
39 may reveal the identity of an individual, or reveal that an
40 individual is or was, performing an undercover or covert law

1 enforcement activity. This exemption does not prevent the release of
2 the total number of vessel registrations that, under RCW 88.02.330,
3 an agency or department has applied for, been issued, denied,
4 returned, destroyed, lost, and reported for misuse; and

5 (8) All information related to individual claims resolution
6 structured settlement agreements submitted to the board of industrial
7 insurance appeals under RCW 51.04.063, other than final orders from
8 the board of industrial insurance appeals.

9 Upon request by the legislature, the department of licensing
10 shall provide a report to the legislature containing all of the
11 information in subsection (7)(c) and (d) of this section that is
12 subject to public disclosure.

13 (9) Personal information relating to enhanced 911 emergency
14 communications systems and emergency notification systems as provided
15 under sections 6 and 7 of this act.

16 **Sec. 2.** RCW 42.56.240 and 2013 c 315 s 2, 2013 c 190 s 7, and
17 2013 c 183 s 1 are each reenacted and amended to read as follows:

18 The following investigative, law enforcement, and crime victim
19 information is exempt from public inspection and copying under this
20 chapter:

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

27 (2) Information revealing the identity of persons who are
28 witnesses to or victims of crime or who file complaints with
29 investigative, law enforcement, or penology agencies, other than the
30 commission, if disclosure would endanger any person's life, physical
31 safety, or property. If at the time a complaint is filed the
32 complainant, victim, or witness indicates a desire for disclosure or
33 nondisclosure, such desire shall govern. However, all complaints
34 filed with the commission about any elected official or candidate for
35 public office must be made in writing and signed by the complainant
36 under oath;

37 (3) Any records of investigative reports prepared by any state,
38 county, municipal, or other law enforcement agency pertaining to sex
39 offenses contained in chapter 9A.44 RCW or sexually violent offenses

1 as defined in RCW 71.09.020, which have been transferred to the
2 Washington association of sheriffs and police chiefs for permanent
3 electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

4 (4) License applications under RCW 9.41.070; copies of license
5 applications or information on the applications may be released to
6 law enforcement or corrections agencies;

7 (5) Information revealing the identity of child victims of sexual
8 assault who are under age eighteen. Identifying information (~~(means)~~)
9 includes, but is not limited to, the child victim's name, address,
10 location, photograph, and in cases in which the child victim is a
11 relative or stepchild of the alleged perpetrator, identification of
12 the relationship between the child and the alleged perpetrator;

13 (6) Information contained in a local or regionally maintained
14 gang database as well as the statewide gang database referenced in
15 RCW 43.43.762;

16 (7) Data from the electronic sales tracking system established in
17 RCW 69.43.165;

18 (8) Information submitted to the statewide unified sex offender
19 notification and registration program under RCW 36.28A.040(6) by a
20 person for the purpose of receiving notification regarding a
21 registered sex offender, including the person's name, residential
22 address, and email address;

23 (9) Personally identifying information collected by law
24 enforcement agencies pursuant to local security alarm system programs
25 and vacation crime watch programs. Nothing in this subsection shall
26 be interpreted so as to prohibit the legal owner of a residence or
27 business from accessing information regarding his or her residence or
28 business; (~~and~~)

29 (10) The felony firearm offense conviction database of felony
30 firearm offenders established in RCW 43.43.822; (~~and~~)

31 (11) The identity of a state employee or officer who has in good
32 faith filed a complaint with an ethics board, as provided in RCW
33 42.52.410, or who has in good faith reported improper governmental
34 action, as defined in RCW 42.40.020, to the auditor or other public
35 official, as defined in RCW 42.40.020; and

36 (12) The following security threat group information collected
37 and maintained by the department of corrections pursuant to RCW
38 72.09.745: (a) Information that could lead to the identification of a
39 person's security threat group status, affiliation, or activities;
40 (b) information that reveals specific security threats associated

1 with the operation and activities of security threat groups; and (c)
2 information that identifies the number of security threat group
3 members, affiliates, or associates.

4 **Sec. 3.** RCW 42.56.330 and 2014 c 170 s 2 and 2014 c 33 s 1 are
5 each reenacted and amended to read as follows:

6 The following information relating to public utilities and
7 transportation is exempt from disclosure under this chapter:

8 (1) Records filed with the utilities and transportation
9 commission or attorney general under RCW 80.04.095 or 81.77.210 that
10 a court has determined are confidential under RCW 80.04.095 or
11 81.77.210;

12 (2) The addresses, telephone numbers, electronic contact
13 information, and customer-specific utility usage and billing
14 information in increments less than a billing cycle of the customers
15 of a public utility contained in the records or lists held by the
16 public utility of which they are customers, except that this
17 information may be released to the division of child support or the
18 agency or firm providing child support enforcement for another state
19 under Title IV-D of the federal social security act, for the
20 establishment, enforcement, or modification of a support order;

21 (3) The names, residential addresses, residential telephone
22 numbers, and other individually identifiable records held by an
23 agency in relation to a vanpool, carpool, or other ride-sharing
24 program or service(~~(; however, these records)~~). Participant's names,
25 general locations, and point of contact may be disclosed to other
26 persons who apply for ride-matching services and who need that
27 information in order to identify potential riders or drivers with
28 whom to share rides;

29 (4) The personally identifying information of current or former
30 participants or applicants in a paratransit or other transit service
31 operated for the benefit of persons with disabilities or elderly
32 persons;

33 (5) The personally identifying information of persons who acquire
34 and use transit passes or other fare payment media including, but not
35 limited to, stored value smart cards and magnetic strip cards, except
36 that an agency may disclose personally identifying information to a
37 person, employer, educational institution, or other entity that is
38 responsible, in whole or in part, for payment of the cost of
39 acquiring or using a transit pass or other fare payment media for the

1 purpose of preventing fraud(~~(, or to the news media when reporting on~~
2 ~~public transportation or public safety)~~). As used in this subsection,
3 "personally identifying information" includes acquisition or use
4 information pertaining to a specific, individual transit pass or fare
5 payment media.

6 (a) Information regarding the acquisition or use of transit
7 passes or fare payment media may be disclosed in aggregate form if
8 the data does not contain any personally identifying information.

9 (b) Personally identifying information may be released to law
10 enforcement agencies if the request is accompanied by a court order;

11 (6) Any information obtained by governmental agencies that is
12 collected by the use of a motor carrier intelligent transportation
13 system or any comparable information equipment attached to a truck,
14 tractor, or trailer; however, the information may be given to other
15 governmental agencies or the owners of the truck, tractor, or trailer
16 from which the information is obtained. As used in this subsection,
17 "motor carrier" has the same definition as provided in RCW 81.80.010;

18 (7) The personally identifying information of persons who acquire
19 and use transponders or other technology to facilitate payment of
20 tolls. This information may be disclosed in aggregate form as long as
21 the data does not contain any personally identifying information. For
22 these purposes aggregate data may include the census tract of the
23 account holder as long as any individual personally identifying
24 information is not released. Personally identifying information may
25 be released to law enforcement agencies only for toll enforcement
26 purposes. Personally identifying information may be released to law
27 enforcement agencies for other purposes only if the request is
28 accompanied by a court order; and

29 (8) The personally identifying information of persons who acquire
30 and use a driver's license or identicard that includes a radio
31 frequency identification chip or similar technology to facilitate
32 border crossing. This information may be disclosed in aggregate form
33 as long as the data does not contain any personally identifying
34 information. Personally identifying information may be released to
35 law enforcement agencies only for United States customs and border
36 protection enforcement purposes. Personally identifying information
37 may be released to law enforcement agencies for other purposes only
38 if the request is accompanied by a court order.

1 **Sec. 4.** RCW 70.148.060 and 2005 c 274 s 341 are each amended to
2 read as follows:

3 (1) All (~~examination and proprietary reports and~~) information
4 except for proprietary reports or information obtained by the
5 director and the director's staff in soliciting bids from insurers
6 and in monitoring the insurer selected by the director shall (~~not~~)
7 be made public or otherwise disclosed to any person, firm,
8 corporation, agency, association, governmental body, or other entity.

9 (2) Subsection (1) of this section notwithstanding, the director
10 may furnish all or part of examination reports prepared by the
11 director or by any person, firm, corporation, association, or other
12 entity preparing the reports on behalf of the director to:

13 (a) The Washington state insurance commissioner;

14 (b) A person or organization officially connected with the
15 insurer as officer, director, attorney, auditor, or independent
16 attorney or independent auditor; and

17 (c) The attorney general in his or her role as legal advisor to
18 the director.

19 (3) Subsection (1) of this section notwithstanding, the director
20 may furnish all or part of the examination or proprietary reports or
21 information obtained by the director to:

22 (a) The Washington state insurance commissioner; and

23 (b) A person, firm, corporation, association, governmental body,
24 or other entity with whom the director has contracted for services
25 necessary to perform his or her official duties.

26 (4) (~~Examination reports and~~) Proprietary information obtained
27 by the director and the director's staff (~~are~~) is not subject to
28 public disclosure under chapter 42.56 RCW.

29 (5) A person who violates any provision of this section is guilty
30 of a gross misdemeanor.

31 NEW SECTION. **Sec. 5.** The legislature finds that public agencies
32 have access to databases containing addresses and telephone numbers,
33 including for private residences, because of the "automatic location
34 identification" and "automatic number identification" features of the
35 enhanced 911 emergency communications system, and that this
36 information should be exempt from public disclosure. The legislature
37 further finds that as the next generation 911 system is implemented
38 throughout the state, database services, including third-party
39 services, will become available that allow persons to voluntarily

1 submit personal information about themselves and their families so
2 that emergency responders can use the information in the event of
3 accessing 911 for medical, disability, or home security information.
4 The legislature further finds that the possibility of public
5 disclosure of this personal information may discourage persons from
6 submitting this information that could assist emergency responders in
7 the event of accessing 911, and therefore this personal information
8 should be exempt from public disclosure. The legislature further
9 finds that public agencies retain databases containing information
10 obtained from automatic location identification and automatic number
11 identification databases and personal information voluntarily
12 submitted by persons who want to receive notifications about
13 community emergency events, and that this information should be
14 exempt from public disclosure.

15 NEW SECTION. **Sec. 6.** A new section is added to chapter 38.52
16 RCW to read as follows:

17 (1) Information contained in an automatic number identification
18 or automatic location identification database that is part of a
19 county enhanced 911 emergency communications system as defined in RCW
20 82.14B.020 for display at a public safety answering point with
21 incoming 911 voice or data is confidential and exempt from public
22 inspection and copying under chapter 42.56 RCW.

23 (2) Information voluntarily submitted to be contained in a
24 database that is part of or associated with a county enhanced 911
25 emergency communications system as defined in RCW 82.14B.020 for the
26 purpose of display at a public safety answering point with incoming
27 911 voice or data is confidential and exempt from public inspection
28 and copying under chapter 42.56 RCW.

29 (3) This section shall not be interpreted to prohibit:

30 (a) Display of information at a public safety answering point;

31 (b) Dissemination of information by the public safety answering
32 point to police, fire, or emergency medical responders for display on
33 a device used by police, fire, or emergency medical responders for
34 the purpose of handling or responding to emergency calls or for
35 training;

36 (c) Maintenance of the database by a county;

37 (d) Dissemination of information by a county to local agency
38 personnel for inclusion in an emergency notification system that

1 makes outgoing calls to telephone numbers to provide notification of
2 a community emergency event; or

3 (e) Inspection or copying by the subject of the information or an
4 authorized representative.

5 NEW SECTION. **Sec. 7.** A new section is added to chapter 38.52
6 RCW to read as follows:

7 Information obtained from an automatic number identification or
8 automatic location identification database or voluntarily submitted
9 to a local agency for inclusion in an emergency notification system
10 is confidential and exempt from public inspection and copying under
11 chapter 42.56 RCW. This section shall not be interpreted to prohibit:

12 (1) Making outgoing calls to telephone numbers to provide
13 notification of a community emergency event;

14 (2) Maintenance of the database by a local agency; or

15 (3) Inspection or copying by the subject of the information or an
16 authorized representative.

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