

WAC 381-20-110 Exemptions to public records disclosure. The board reserves the right to determine if a public record requested in accordance with the procedures outlined herein is exempt or nondisclosable under RCW 42.17.250 through 42.17.340. Nondisclosable records include but are not limited to:

(1) Personal information in any files concerning a prisoner, probationer, or parolee to the extent required by RCW 42.17.310 (1)(a); however, disclosure may be made to that person or that person's representative, except as otherwise provided by these rules.

(2) Data (including information revealing the identity of persons who file complaints, except as the complainant may authorize) contained in intelligence, investigative, and other related files compiled by investigative, law enforcement, or penology agencies, the state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or the protection of any person's right to privacy. This data is nondisclosable to the extent required by RCW 42.17.310 (1)(d) and (e), 10.97.080, chapter 446-20 WAC.

(3) Certain juvenile justice or juvenile care records to the extent required by chapter 13.50 RCW.

(4) Personal information in files maintained for an employee of the board to the extent required by RCW 42.17.310 (1)(b).

(5) Deliberative material, as opposed to facts upon which a decision is based, contained in preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended; except that a specific record shall be disclosable when publicly cited by the board in connection with any action to the extent required by RCW 42.17.310 (1)(i).

(6) Records which are relevant to a controversy to which the board is a party but which records would not be available to another party to the rules of pretrial discovery for causes pending in the superior courts, including records involving attorney-client communications between the board and the office of the attorney general privileged under RCW 5.60.060(2).

(7) Nonconviction data, as defined in RCW 10.97.030(2), may be disclosed to the subject of the record in person in the central office of the board but may not be copied except for the purpose of challenge or correction when the person who is the subject of the record asserts the belief in writing that the information regarding such person is inaccurate or incomplete. Incarcerated subjects shall be provided with a designation of documents in the board file which contain nonconviction data concerning the subject, per RCW 10.97.080.

[Statutory Authority: RCW 34.05.220 (1)(b) and 42.17.250. WSR 91-14-028, § 381-20-110, filed 6/26/91, effective 7/27/91.]