

WAC 388-01-120 What if the public record contains information that is exempt from public disclosure? (1) Public records and information may be exempt from disclosure or production under chapter 42.56 RCW or other state or federal laws. Commonly applicable exemptions include, but are not limited to, the following:

(a) Under RCW 42.56.230(1), personal information in files maintained for welfare recipients and patients or clients of public institutions or public health agencies. Personal information includes, but is not limited to:

- (i) Names;
- (ii) Telephone numbers;
- (iii) Fax numbers;
- (iv) Email addresses;
- (v) Social Security numbers;
- (vi) Medical record numbers;
- (vii) Health plan beneficiary numbers;
- (viii) Account numbers;
- (ix) Certificate or license numbers;
- (x) Vehicle identifiers and serial numbers, including license plate numbers;
- (xi) Device identifiers and serial numbers;
- (xii) Web universal resource locators (URLs);
- (xiii) Internet protocol (IP) address numbers;
- (xiv) Biometric identifiers, including finger and voice prints;
- (xv) Full face photographic images and any comparable images;
- (xvi) Any other unique identifying number, characteristic, or code;

(xvii) All geographic subdivisions smaller than a state, including street address, mailing address, city, county, precinct, geocodes, and zip code, except for the initial three digits of a zip code; and

(xviii) All elements of dates (except year) for dates directly related to an individual, including birth date, admission date, discharge date, date of death.

(b) Under RCW 74.04.060 and related federal laws, information and records about applicants and recipients of public assistance and other services provided and received under Title 74 RCW.

(c) Under chapter 13.50 RCW and related federal laws, information and records about juvenile offender and child welfare cases.

(d) Under chapter 26.23 RCW and related federal laws, information and records about child support enforcement.

(e) Under chapter 26.33 RCW and related federal laws, information and records about adoption.

(f) Under chapter 70.02 RCW and related federal laws, protected health care information and medical records.

(g) Under RCW 74.34.095, information and records about alleged abandonment, abuse, financial exploitation, or neglect of a vulnerable adult.

(h) Under RCW 42.56.230(3), personal information in files maintained for DSHS employees or elected officials to the extent that disclosure would violate their right to privacy.

(i) Under RCW 42.56.250, the following information from personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency:

- (A) Residential addresses;
- (B) Residential phone numbers;
- (C) Personal wireless telephone numbers;

- (D) Personal email addresses;
 - (E) Social Security numbers;
 - (F) Driver's license numbers;
 - (G) Identocard numbers;
 - (H) Personal demographic details;
 - (I) Photographs and month and year of birth, except the news media shall have access to the photographs and full dates of birth;
 - (J) Emergency contact information; and
 - (K) Names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency.
- (j) Under RCW 42.56.640 and 43.17.410, sensitive personal information of vulnerable individuals and in-home caregivers for vulnerable populations, except as allowed under subsection (3) of this section.
- (2) If the requested public record contains information that is exempt from public disclosure, DSHS may:
- (a) As appropriate, release the nonexempt portion, explaining what exemptions apply to redacted portions of the record;
 - (b) As appropriate, deny release of the entire record, sending a written explanation and citing the exemption that applies to the denial; or
 - (c) Neither confirm or deny the existence of the requested records and provide the legal basis for confidentiality as if the responsive records existed, when a denial would reveal information that is confidential and must not be disclosed.
- (3) Sensitive personal information under subsection (1)(j) of this section may be disclosed or produced if DSHS determines that the requester:
- (a) Meets the criteria under RCW 42.56.645; and
 - (b) Has complied with any procedures developed by DSHS to protect the confidentiality of the information.

[Statutory Authority: RCW 42.56.040. WSR 23-19-028, § 388-01-120, filed 9/12/23, effective 10/13/23; WSR 18-05-021, § 388-01-120, filed 2/9/18, effective 3/12/18. Statutory Authority: RCW 42.17.250 and 34.05.220. WSR 99-15-065, § 388-01-120, filed 7/19/99, effective 8/19/99.]