

WAC 390-14-035 What records are exempt from public inspection and copying?

(1) The public records officer may redact information from any record prior to permitting public inspection or copying if the information is exempt from disclosure according to RCW 42.56.210, another section of chapter 42.56 RCW or other applicable law. After such information is redacted, the remainder of the record may be made available. It is possible a record may be withheld in its entirety.

(2) If the agency denies all or part of your request, you will be provided a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

(3) Examples of exemptions that the agency may cite include, but are not limited to: Records related to a pending investigation (RCW 42.56.240(1)); records protected by the attorney client privilege or attorney work product (RCW 42.56.290 and 5.60.060); personal information in any files maintained for employees, appointees or elected officials to the extent that disclosure would violate their right to privacy (RCW 42.56.230); and bank account, credit card or similar numbers (RCW 42.56.230).

(4) During the course of any investigation, records generated or collected as a result of that investigation are exempt from public inspection and copying under RCW 42.56.240(1), until the investigation is completed. See WAC 390-37-060(4).

(5) If you make a request for a record that implicates the privacy of an individual as defined in RCW 42.56.050, the agency may provide written notice of the request to allow the individual to request a protective order from a court under chapter 42.56 RCW.

(6) The commission is required by law to return certain documents provided to the commission by candidates, campaigns, or political committees within one week of the completion of an audit or field investigation; therefore, those records may not be in the agency's possession if a records request is made after that time. See RCW 42.17A.105.

(7) The agency is prohibited by RCW 42.56.070 from disclosing lists of individuals for commercial purposes. If you request such records you may be required to sign an affidavit attesting that you will not use those records for commercial purposes.

(8) The commission may, in its discretion, release requested records despite the applicability of exemptions, if it determines that it is in the public interest and that the rights of third parties will not be prejudiced. This provision does not apply to releases of lists of individuals for commercial purposes.

[Statutory Authority: RCW 42.56.100, 42.56.040, and 42.17A.110. WSR 12-18-015, § 390-14-035, filed 8/24/12, effective 9/24/12. Statutory Authority: RCW 42.17A.110. WSR 12-03-002, § 390-14-035, filed 1/4/12, effective 2/4/12. Statutory Authority: RCW 42.17.370(1). WSR 99-12-061, § 390-14-035, filed 5/27/99, effective 6/27/99; WSR 85-15-020 (Order 85-03), § 390-14-035, filed 7/9/85; Order 62, § 390-14-035, filed 8/26/75.]