

CERTIFICATION OF ENROLLMENT
SUBSTITUTE HOUSE BILL 1511

52nd Legislature
1991 Regular Session

Passed by the House March 1, 1991
Yeas 93 Nays 0

**Speaker of the House
of Representatives**

Passed by the Senate February 27, 1991
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1511** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

SUBSTITUTE HOUSE BILL 1511

AS AMENDED BY THE SENATE

Passed Legislature - 1991 Regular Session

State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Anderson, Silver, Pruitt, Winsley, Leonard, Riley, Beck, H. Myers, R. King, Wynne, Van Luven, Ludwig, Orr, Brekke, Roland and Brough).

Read first time February 25, 1991.

1 AN ACT Relating to the disclosure of information from public
2 records by state and local agencies; amending RCW 42.17.310; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 42.17.310 and 1990 2nd ex.s. c 1 s 1103 are each
6 amended to read as follows:

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

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

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

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

6 (d) Specific intelligence information and specific investigative
7 records compiled by investigative, law enforcement, and penology
8 agencies, and state agencies vested with the responsibility to
9 discipline members of any profession, the nondisclosure of which is
10 essential to effective law enforcement or for the protection of any
11 person's right to privacy.

12 (e) Information revealing the identity of persons who file
13 complaints with investigative, law enforcement, or penology agencies,
14 other than the public disclosure commission, if disclosure would
15 endanger any person's life, physical safety, or property. If at the
16 time the complaint is filed the complainant indicates a desire for
17 disclosure or nondisclosure, such desire shall govern. However, all
18 complaints filed with the public disclosure commission about any
19 elected official or candidate for public office must be made in writing
20 and signed by the complainant under oath.

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

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

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

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

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

12 (k) Records, maps, or other information identifying the location of
13 archaeological sites in order to avoid the looting or depredation of
14 such sites.

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

18 (m) Financial information supplied by or on behalf of a person,
19 firm, or corporation for the purpose of qualifying to submit a bid or
20 proposal for (a) a ferry system construction or repair contract as
21 required by RCW 47.60.680 through 47.60.750 or (b) highway construction
22 or improvement as required by RCW 47.28.070.

23 (n) Railroad company contracts filed with the utilities and
24 transportation commission under RCW 81.34.070, except that the
25 summaries of the contracts are open to public inspection and copying as
26 otherwise provided by this chapter.

27 (o) Financial and commercial information and records supplied by
28 private persons pertaining to export services provided pursuant to
29 chapter 43.163 RCW and chapter 53.31 RCW.

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

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

6 (r) Financial and commercial information and records supplied by
7 businesses during application for loans or program services provided by
8 chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

9 (s) Membership lists or lists of members or owners of interests of
10 units in timeshare projects, subdivisions, camping resorts,
11 condominiums, land developments, or common-interest communities
12 affiliated with such projects, regulated by the department of
13 licensing, in the files or possession of the department.

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

17 (u) The residential addresses and residential telephone numbers of
18 employees or volunteers of a public agency which are held by the agency
19 in personnel records, employment or volunteer rosters, or mailing lists
20 of employees or volunteers.

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

24 (w) Information obtained by the board of pharmacy as provided in
25 RCW 69.45.090.

26 (x) Information obtained by the board of pharmacy and its
27 representatives as provided in RCW 69.41.044 and 69.41.280.

28 (y) Financial information, business plans, examination reports, and
29 any information produced or obtained in evaluating or examining a

1 business and industrial development corporation organized or seeking
2 certification under chapter 31.24 RCW.

3 (z) Financial and commercial information supplied to the state
4 investment board by any person when the information relates to the
5 investment of public trust or retirement funds and when disclosure
6 would result in loss to such funds or in private loss to the providers
7 of this information.

8 (aa) Financial and valuable trade information under RCW 51.36.120.

9 (bb) Effective (~~March 1~~) April 19, 1991, the work and home
10 addresses, other than the city of residence, of a person shall remain
11 undisclosed or be omitted from all documents made available for public
12 review if that person requests in writing, under oath, that these
13 addresses be kept private because disclosure would endanger his or her
14 life, physical safety, or property. This provision does not in any way
15 restrict the sharing or collection of information by state and local
16 governmental agencies required for the daily administration of their
17 duties. The secretary of state shall administer this provision and
18 establish the procedures and rules that are necessary for its
19 operation. An agency that has not been furnished with a request for
20 confidentiality of address information is not liable for damages
21 resulting from its disclosure of the information. For purpose of
22 service of process, the secretary of state shall serve as agent for
23 each person who submits a request under this subsection. A request
24 shall be of no force or effect if the requester does not include a
25 statement, along with or part of the request, designating the secretary
26 of state as agent of the requester for purposes of service of process.

27 (2) Except for information described in subsection (1)(c)(i) of
28 this section and confidential income data exempted from public
29 inspection pursuant to RCW 84.40.020, the exemptions of this section
30 are inapplicable to the extent that information, the disclosure of

1 which would violate personal privacy or vital governmental interests,
2 can be deleted from the specific records sought. No exemption may be
3 construed to permit the nondisclosure of statistical information not
4 descriptive of any readily identifiable person or persons.

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

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

15 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of the
17 state government and its existing public institutions, and shall take
18 effect immediately.