
SENATE BILL 5984

State of Washington

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By Senators Hargrove, Deccio, Hewitt, Long and Franklin

Read first time 02/12/2001. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to public access to child dependency hearings and
2 foster parent complaint information; amending RCW 13.34.115; and
3 reenacting and amending RCW 42.17.310.

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

5 **Sec. 1.** RCW 13.34.115 and 2000 c 122 s 12 are each amended to read
6 as follows:

7 All hearings may be conducted at any time or place within the
8 limits of the county, and such cases may not be heard in conjunction
9 with other business of any other division of the superior court. The
10 public shall be excluded, and only such persons may be admitted who are
11 found by the judge to have a direct interest in the case or in the work
12 of the court. A parent may request an open public hearing and the
13 court shall grant the parent's request. Unless the court states on the
14 record the reasons to disallow attendance, the court shall allow a
15 child's relatives and, if a child resides in foster care, the child's
16 foster parent, to attend all hearings and proceedings pertaining to the
17 child for the sole purpose of providing oral and written information
18 about the child and the child's welfare to the court.

1 Stenographic notes or any device which accurately records the
2 proceedings may be required as provided in other civil cases pursuant
3 to RCW 2.32.200.

4 **Sec. 2.** RCW 42.17.310 and 2000 c 134 s 3, 2000 c 56 s 1, and 2000
5 c 6 s 5 are each reenacted and amended to read as follows:

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

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

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

13 (c) Information required of any taxpayer in connection with the
14 assessment or collection of any tax if the disclosure of the
15 information to other persons would (i) be prohibited to such persons by
16 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
17 taxpayer's right to privacy or result in unfair competitive
18 disadvantage to the taxpayer.

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

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

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

37 (g) Except as provided by chapter 8.26 RCW, the contents of real
38 estate appraisals, made for or by any agency relative to the

1 acquisition or sale of property, until the project or prospective sale
2 is abandoned or until such time as all of the property has been
3 acquired or the property to which the sale appraisal relates is sold,
4 but in no event shall disclosure be denied for more than three years
5 after the appraisal.

6 (h) Valuable formulae, designs, drawings, computer source code or
7 object code, and research data obtained by any agency within five years
8 of the request for disclosure when disclosure would produce private
9 gain and public loss.

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

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

18 (k) Records, maps, or other information identifying the location of
19 archaeological sites in order to avoid the looting or depredation of
20 such sites.

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

24 (m) Financial information supplied by or on behalf of a person,
25 firm, or corporation for the purpose of qualifying to submit a bid or
26 proposal for (i) a ferry system construction or repair contract as
27 required by RCW 47.60.680 through 47.60.750 or (ii) highway
28 construction or improvement as required by RCW 47.28.070.

29 (n) Railroad company contracts filed prior to July 28, 1991, with
30 the utilities and transportation commission under RCW 81.34.070, except
31 that the summaries of the contracts are open to public inspection and
32 copying as otherwise provided by this chapter.

33 (o) Financial and commercial information and records supplied by
34 private persons pertaining to export services provided pursuant to
35 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
36 export projects pursuant to RCW 43.23.035.

37 (p) Financial disclosures filed by private vocational schools under
38 chapters 28B.85 and 28C.10 RCW.

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

4 (r) Financial and commercial information and records supplied by
5 businesses or individuals during application for loans or program
6 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
7 or during application for economic development loans or program
8 services provided by any local agency.

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, except that
24 this information may be released to the division of child support or
25 the agency or firm providing child support enforcement for another
26 state under Title IV-D of the federal social security act, for the
27 establishment, enforcement, or modification of a support order.

28 (w)(i) The federal social security number of individuals governed
29 under chapter 18.130 RCW maintained in the files of the department of
30 health, except this exemption does not apply to requests made directly
31 to the department from federal, state, and local agencies of
32 government, and national and state licensing, credentialing,
33 investigatory, disciplinary, and examination organizations; (ii) the
34 current residential address and current residential telephone number of
35 a health care provider governed under chapter 18.130 RCW maintained in
36 the files of the department, if the provider requests that this
37 information be withheld from public inspection and copying, and
38 provides to the department an accurate alternate or business address
39 and business telephone number. On or after January 1, 1995, the

1 current residential address and residential telephone number of a
2 health care provider governed under RCW 18.130.040 maintained in the
3 files of the department shall automatically be withheld from public
4 inspection and copying unless the provider specifically requests the
5 information be released, and except as provided for under RCW
6 42.17.260(9).

7 (x) Information obtained by the board of pharmacy as provided in
8 RCW 69.45.090.

9 (y) Information obtained by the board of pharmacy or the department
10 of health and its representatives as provided in RCW 69.41.044,
11 69.41.280, and 18.64.420.

12 (z) Financial information, business plans, examination reports, and
13 any information produced or obtained in evaluating or examining a
14 business and industrial development corporation organized or seeking
15 certification under chapter 31.24 RCW.

16 (aa) Financial and commercial information supplied to the state
17 investment board by any person when the information relates to the
18 investment of public trust or retirement funds and when disclosure
19 would result in loss to such funds or in private loss to the providers
20 of this information.

21 (bb) Financial and valuable trade information under RCW 51.36.120.

22 (cc) Client records maintained by an agency that is a domestic
23 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
24 crisis center as defined in RCW 70.125.030.

25 (dd) Information that identifies a person who, while an agency
26 employee: (i) Seeks advice, under an informal process established by
27 the employing agency, in order to ascertain his or her rights in
28 connection with a possible unfair practice under chapter 49.60 RCW
29 against the person; and (ii) requests his or her identity or any
30 identifying information not be disclosed.

31 (ee) Investigative records compiled by an employing agency
32 conducting a current investigation of a possible unfair practice under
33 chapter 49.60 RCW or of a possible violation of other federal, state,
34 or local laws prohibiting discrimination in employment.

35 (ff) Business related information protected from public inspection
36 and copying under RCW 15.86.110.

37 (gg) Financial, commercial, operations, and technical and research
38 information and data submitted to or obtained by the clean Washington

1 center in applications for, or delivery of, program services under
2 chapter 70.95H RCW.

3 (hh) Information and documents created specifically for, and
4 collected and maintained by a quality improvement committee pursuant to
5 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
6 4.24.250, regardless of which agency is in possession of the
7 information and documents.

8 (ii) Personal information in files maintained in a data base
9 created under RCW 43.07.360.

10 (jj) Financial and commercial information requested by the public
11 stadium authority from any person or organization that leases or uses
12 the stadium and exhibition center as defined in RCW 36.102.010.

13 (kk) Names of individuals residing in emergency or transitional
14 housing that are furnished to the department of revenue or a county
15 assessor in order to substantiate a claim for property tax exemption
16 under RCW 84.36.043.

17 (ll) The names, residential addresses, residential telephone
18 numbers, and other individually identifiable records held by an agency
19 in relation to a vanpool, carpool, or other ride-sharing program or
20 service. However, these records may be disclosed to other persons who
21 apply for ride-matching services and who need that information in order
22 to identify potential riders or drivers with whom to share rides.

23 (mm) The personally identifying information of current or former
24 participants or applicants in a paratransit or other transit service
25 operated for the benefit of persons with disabilities or elderly
26 persons.

27 (nn) The personally identifying information of persons who acquire
28 and use transit passes and other fare payment media including, but not
29 limited to, stored value smart cards and magnetic strip cards, except
30 that an agency may disclose this information to a person, employer,
31 educational institution, or other entity that is responsible, in whole
32 or in part, for payment of the cost of acquiring or using a transit
33 pass or other fare payment media, or to the news media when reporting
34 on public transportation or public safety. This information may also
35 be disclosed at the agency's discretion to governmental agencies or
36 groups concerned with public transportation or public safety.

37 (oo) Proprietary financial and commercial information that the
38 submitting entity, with review by the department of health,
39 specifically identifies at the time it is submitted and that is

1 provided to or obtained by the department of health in connection with
2 an application for, or the supervision of, an antitrust exemption
3 sought by the submitting entity under RCW 43.72.310. If a request for
4 such information is received, the submitting entity must be notified of
5 the request. Within ten business days of receipt of the notice, the
6 submitting entity shall provide a written statement of the continuing
7 need for confidentiality, which shall be provided to the requester.
8 Upon receipt of such notice, the department of health shall continue to
9 treat information designated under this section as exempt from
10 disclosure. If the requester initiates an action to compel disclosure
11 under this chapter, the submitting entity must be joined as a party to
12 demonstrate the continuing need for confidentiality.

13 (pp) Records maintained by the board of industrial insurance
14 appeals that are related to appeals of crime victims' compensation
15 claims filed with the board under RCW 7.68.110.

16 (qq) Financial and commercial information supplied by or on behalf
17 of a person, firm, corporation, or entity under chapter 28B.95 RCW
18 relating to the purchase or sale of tuition units and contracts for the
19 purchase of multiple tuition units.

20 (rr) Any records of investigative reports prepared by any state,
21 county, municipal, or other law enforcement agency pertaining to sex
22 offenses contained in chapter 9A.44 RCW or sexually violent offenses as
23 defined in RCW 71.09.020, which have been transferred to the Washington
24 association of sheriffs and police chiefs for permanent electronic
25 retention and retrieval pursuant to RCW 40.14.070(2)(b).

26 (ss) Credit card numbers, debit card numbers, electronic check
27 numbers, card expiration dates, or bank or other financial account
28 numbers supplied to an agency for the purpose of electronic transfer of
29 funds, except when disclosure is expressly required by law.

30 (tt) Financial information, including but not limited to account
31 numbers and values, and other identification numbers supplied by or on
32 behalf of a person, firm, corporation, limited liability company,
33 partnership, or other entity related to an application for a liquor
34 license, gambling license, or lottery retail license.

35 (uu) Records maintained by the employment security department and
36 subject to chapter 50.13 RCW if provided to another individual or
37 organization for operational, research, or evaluation purposes.

1 (vv) Individually identifiable information received by the work
2 force training and education coordinating board for research or
3 evaluation purposes.

4 (ww) Unfounded complaints against a licensed foster parent at the
5 department of social and health services. Persons with standing in a
6 civil or criminal matter may receive the information pursuant to a
7 court order upon a showing of good cause.

8 (2) Except for information described in subsection (1)(c)(i) of
9 this section and confidential income data exempted from public
10 inspection pursuant to RCW 84.40.020, the exemptions of this section
11 are inapplicable to the extent that information, the disclosure of
12 which would violate personal privacy or vital governmental interests,
13 can be deleted from the specific records sought. No exemption may be
14 construed to permit the nondisclosure of statistical information not
15 descriptive of any readily identifiable person or persons.

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

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

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