
HOUSE BILL 2646

State of Washington 52nd Legislature 1992 Regular Session

By Representatives Fraser, Belcher, Prentice and Dellwo

Read first time 01/23/92. Referred to Committee on State Government.

1 AN ACT Relating to disclosure of public records; and reenacting and
2 amending RCW 42.17.310.

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

4 **Sec. 1.** RCW 42.17.310 and 1991 c 301 s 13, 1991 c 87 s 13, and
5 1991 c 23 s 10 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

1 information to other persons would (i) be prohibited to such persons by
2 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result
3 in unfair competitive disadvantage to the taxpayer.

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

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

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

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

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

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

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

9 (k) Records, maps, or other information identifying the location of
10 archaeological sites in order to avoid the looting or depredation of
11 such sites.

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

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

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

24 (o) Financial and commercial information and records supplied by
25 private persons pertaining to export services provided pursuant to
26 chapter 43.163 RCW and chapter 53.31 RCW.

27 (p) Financial disclosures filed by private vocational schools under
28 chapter 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 during application for loans or program services provided by
6 chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

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

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

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

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

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

24 (x) Information obtained by the board of pharmacy or the department
25 of health and its representatives as provided in RCW 69.41.044,
26 69.41.280, and 18.64.420.

27 (y) Financial information, business plans, examination reports, and
28 any information produced or obtained in evaluating or examining a
29 business and industrial development corporation organized or seeking
30 certification under chapter 31.24 RCW.

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

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

7 (bb) Client records maintained by an agency that is a domestic
8 violence program as defined in RCW 70.123.020 or a rape crisis center
9 as defined in RCW 70.125.030.

10 (cc) Individual personnel files of civil service state employees
11 covered under chapters 41.06 and 28B.16 RCW.

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

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

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