

2 SHB 2865 - S COMM AMD

3 By Committee on Trade, Technology & Economic

4 ADOPTED 3/3/94

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 42.17.310 and 1993 c 360 s 2, 1993 c 320 s 9, and
8 1993 c 280 s 35 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

21 (k) Records, maps, or other information identifying the location of
22 archaeological sites in order to avoid the looting or depredation of
23 such sites.

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

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

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

36 (o) Financial and commercial information and records supplied by
37 private persons pertaining to export services provided pursuant to
38 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 or individuals during application for loans or program
8 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
9 or during application for economic development loans or program
10 services provided by any local agency.

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

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

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

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

26 (w)(i) The federal social security number of individuals governed
27 under chapter 18.130 RCW maintained in the files of the department of
28 health, except this exemption does not apply to requests made directly
29 to the department from federal, state, and local agencies of
30 government, and national and state licensing, credentialing,
31 investigatory, disciplinary, and examination organizations; (ii) the
32 current residential address and current residential telephone number of
33 a health care provider governed under chapter 18.130 RCW maintained in
34 the files of the department, if the provider requests that this
35 information be withheld from public inspection and copying, and
36 provides to the department an accurate alternate or business address
37 and business telephone number. On or after January 1, 1995, the
38 current residential address and residential telephone number of a
39 health care provider governed under RCW 18.130.140 maintained in the

1 files of the department shall automatically be withheld from public
2 inspection and copying if the provider has provided the department with
3 an accurate alternative or business address and telephone number.

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

6 (y) Information obtained by the board of pharmacy or the department
7 of health and its representatives as provided in RCW 69.41.044,
8 69.41.280, and 18.64.420.

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

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

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

19 (cc) Client records maintained by an agency that is a domestic
20 violence program as defined in RCW 70.123.020 or a rape crisis center
21 as defined in RCW 70.125.030.

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

28 (ee) Business related information protected from public inspection
29 and copying under RCW 15.86.110.

30 (ff) Financial, commercial, operations, and technical and research
31 information and data submitted to or obtained by the clean Washington
32 center in applications for, or delivery of, program services under
33 chapter 70.95H RCW.

34 (2) Except for information described in subsection (1)(c)(i) of
35 this section and confidential income data exempted from public
36 inspection pursuant to RCW 84.40.020, the exemptions of this section
37 are inapplicable to the extent that information, the disclosure of
38 which would violate personal privacy or vital governmental interests,
39 can be deleted from the specific records sought. No exemption may be

1 construed to permit the nondisclosure of statistical information not
2 descriptive of any readily identifiable person or persons.

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

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

13 NEW SECTION. **Sec. 2.** This act shall take effect July 1, 1994."

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16 ADOPTED 3/3/94

17 On page 1, line 2 of the title, after "programs;" strike the
18 remainder of the title and insert "reenacting and amending RCW
19 42.17.310; and providing an effective date."

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