
SENATE BILL 5635

State of Washington

53rd Legislature

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By Senators Niemi and Talmadge

Read first time 02/05/93. Referred to Committee on Health & Human Services.

1 AN ACT Relating to health profession disciplinary authority written
2 communications; reenacting and amending RCW 42.17.310; and adding a new
3 section to chapter 18.130 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.130 RCW
6 to read as follows:

7 If a disciplinary authority communicates in writing on the status
8 of a complaint against a licensee to the person submitting the
9 complaint, such communications shall not include the address of the
10 licensee. The licensing authority for each profession subject to this
11 chapter shall inform all applicants for licensure, and all licensees
12 renewing a license, that information about the address of the licensee
13 may be disclosed to the public.

14 **Sec. 2.** RCW 42.17.310 and 1992 c 139 s 5 and 1992 c 71 s 12 are
15 each reenacted and amended to read as follows:

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

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

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

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

12 (d) Specific intelligence information and specific investigative
13 records compiled by investigative, law enforcement, and penology
14 agencies, and state agencies vested with the responsibility to
15 discipline members of any profession, the nondisclosure of which is
16 essential to effective law enforcement or for the protection of any
17 person's right to privacy.

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

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

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

37 (h) Valuable formulae, designs, drawings, and research data
38 obtained by any agency within five years of the request for disclosure
39 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) a ferry system construction or repair contract as
18 required by RCW 47.60.680 through 47.60.750 or (b) highway construction
19 or improvement as required by RCW 47.28.070.

20 (n) Railroad company contracts filed prior to July 28, 1991, with
21 the utilities and transportation commission under RCW 81.34.070, except
22 that the summaries of the contracts are open to public inspection and
23 copying as 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.

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

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

35 (s) Membership lists or lists of members or owners of interests of
36 units in timeshare projects, subdivisions, camping resorts,
37 condominiums, land developments, or common-interest communities
38 affiliated with such projects, regulated by the department of
39 licensing, in the files or possession of the department.

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

4 (u) The residential addresses and residential telephone numbers of
5 employees or volunteers of a public agency which are held by the agency
6 in personnel records, employment or volunteer rosters, or mailing lists
7 of employees or volunteers.

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

11 (w) The residential address and residential telephone numbers of
12 any licensee governed under RCW 18.130.040, if such licensee requests
13 that this information be withheld from public inspection and copying,
14 and if such licensee provides to the appropriate licensing authority
15 under Title 18 RCW an accurate business address and business phone for
16 his or her practice.

17 (~~x~~) Information obtained by the board of pharmacy as provided in
18 RCW 69.45.090.

19 (~~y~~) Information obtained by the board of pharmacy or the
20 department of health and its representatives as provided in RCW
21 69.41.044, 69.41.280, and 18.64.420.

22 (~~z~~) Financial information, business plans, examination
23 reports, and any information produced or obtained in evaluating or
24 examining a business and industrial development corporation organized
25 or seeking certification under chapter 31.24 RCW.

26 (~~aa~~) Financial and commercial information supplied to the
27 state investment board by any person when the information relates to
28 the investment of public trust or retirement funds and when disclosure
29 would result in loss to such funds or in private loss to the providers
30 of this information.

31 (~~bb~~) Financial and valuable trade information under RCW
32 51.36.120.

33 (~~cc~~) Client records maintained by an agency that is a
34 domestic violence program as defined in RCW 70.123.020 or a rape crisis
35 center as defined in RCW 70.125.030.

36 (~~ee~~) Information that identifies a person who, while an
37 agency employee: (i) Seeks advice, under an informal process
38 established by the employing agency, in order to ascertain his or her
39 rights in connection with a possible unfair practice under chapter

1 49.60 RCW against the person; and (ii) requests his or her identity or
2 any identifying information not be disclosed.

3 (~~(dd)~~) (ee) Business related information protected from public
4 inspection and copying under RCW 15.86.110.

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

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

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

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