
SUBSTITUTE SENATE BILL 6257

State of Washington

58th Legislature

2004 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Brandland, Kline, McCaslin, Roach, Winsley, Regala, Rasmussen, Shin and Oke)

READ FIRST TIME 02/05/04.

1 AN ACT Relating to protection of personal and identifying
2 information; reenacting and amending RCW 42.17.310 and 42.17.310;
3 creating new sections; providing an effective date; and providing
4 expiration dates.

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

6 NEW SECTION. **Sec. 1.** The legislature finds placement of
7 electronic records on the internet and web sites has increased the
8 general public's access to records at unprecedented levels. Available
9 records may contain personal and identifying information, such as
10 residential addresses, telephone numbers, and social security numbers.
11 Document identification and security mechanisms to restrict release of
12 personal and identifying information contained in official public
13 records lag behind advancements in electronic dissemination. Members
14 of the public may be unaware that documents containing personal and
15 identifying information are increasingly placed on searchable web
16 sites. Increased access to personal and identifying information has
17 resulted in dramatic increases in identity theft.

18 The legislature also finds release of personal and identifying
19 information specifically linked to the name and job title of employees

1 in the criminal justice and judicial systems may increase exposure of
2 those individuals and their families to identity theft, harassment, or
3 physical harm. The legislature finds the public's legitimate right to
4 hold public employees accountable can be achieved without access to and
5 dissemination of personal and identifying information that may subject
6 an employee and that employee's family to an increased danger of
7 physical harm, identity theft, or harassment.

8 This act is intended to assist employees of the criminal justice
9 and court systems to limit release of personal and identifying
10 information to the general public.

11 **Sec. 2.** RCW 42.17.310 and 2003 1st sp.s. c 26 s 926, 2003 c 277 s
12 3, and 2003 c 124 s 1 are each reenacted and amended to read as
13 follows:

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

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

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

21 (c) Information required of any taxpayer in connection with the
22 assessment or collection of any tax if the disclosure of the
23 information to other persons would (i) be prohibited to such persons by
24 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
25 taxpayer's right to privacy or result in unfair competitive
26 disadvantage to the taxpayer.

27 (d) Specific intelligence information and specific investigative
28 records compiled by investigative, law enforcement, and penology
29 agencies, and state agencies vested with the responsibility to
30 discipline members of any profession, the nondisclosure of which is
31 essential to effective law enforcement or for the protection of any
32 person's right to privacy.

33 (e) Information revealing the identity of persons who are witnesses
34 to or victims of crime or who file complaints with investigative, law
35 enforcement, or penology agencies, other than the public disclosure
36 commission, if disclosure would endanger any person's life, physical
37 safety, or property. If at the time a complaint is filed the

1 complainant, victim or witness indicates a desire for disclosure or
2 nondisclosure, such desire shall govern. However, all complaints filed
3 with the public disclosure commission about any elected official or
4 candidate for public office must be made in writing and signed by the
5 complainant under oath.

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

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

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

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

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

27 (k) Records, maps, or other information identifying the location of
28 archaeological sites in order to avoid the looting or depredation of
29 such sites.

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

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

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

5 (o) Financial and commercial information and records supplied by
6 private persons pertaining to export services provided pursuant to
7 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
8 export projects pursuant to RCW 43.23.035.

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

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

14 (r) Financial and commercial information and records supplied by
15 businesses or individuals during application for loans or program
16 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
17 or during application for economic development loans or program
18 services provided by any local agency.

19 (s) Membership lists or lists of members or owners of interests of
20 units in timeshare projects, subdivisions, camping resorts,
21 condominiums, land developments, or common-interest communities
22 affiliated with such projects, regulated by the department of
23 licensing, in the files or possession of the department.

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

27 (u) The residential addresses (~~(e)~~), residential telephone
28 numbers, personal cellular telephone numbers, social security numbers,
29 and personal electronic mail addresses of employees or volunteers of a
30 public agency which are held by any public agency in personnel records,
31 public employment related records, or volunteer rosters, or are
32 included in any mailing list of employees or volunteers of any public
33 agency.

34 (v) The residential addresses and residential telephone numbers of
35 the customers of a public utility contained in the records or lists
36 held by the public utility of which they are customers, except that
37 this information may be released to the division of child support or

1 the agency or firm providing child support enforcement for another
2 state under Title IV-D of the federal social security act, for the
3 establishment, enforcement, or modification of a support order.

4 (w)(i) The federal social security number of individuals governed
5 under chapter 18.130 RCW maintained in the files of the department of
6 health, except this exemption does not apply to requests made directly
7 to the department from federal, state, and local agencies of
8 government, and national and state licensing, credentialing,
9 investigatory, disciplinary, and examination organizations; (ii) the
10 current residential address and current residential telephone number of
11 a health care provider governed under chapter 18.130 RCW maintained in
12 the files of the department, if the provider requests that this
13 information be withheld from public inspection and copying, and
14 provides to the department an accurate alternate or business address
15 and business telephone number. On or after January 1, 1995, the
16 current residential address and residential telephone number of a
17 health care provider governed under RCW 18.130.040 maintained in the
18 files of the department shall automatically be withheld from public
19 inspection and copying unless the provider specifically requests the
20 information be released, and except as provided for under RCW
21 42.17.260(9).

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

24 (y) 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 (z) 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.

31 (aa) Financial and commercial information supplied to the state
32 investment board by any person when the information relates to the
33 investment of public trust or retirement funds and when disclosure
34 would result in loss to such funds or in private loss to the providers
35 of this information.

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

37 (cc) Client records maintained by an agency that is a domestic

1 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
2 crisis center as defined in RCW 70.125.030.

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

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

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

15 (gg) Financial, commercial, operations, and technical and research
16 information and data submitted to or obtained by the clean Washington
17 center in applications for, or delivery of, program services under
18 chapter 70.95H RCW.

19 (hh) Information and documents created specifically for, and
20 collected and maintained by a quality improvement committee pursuant to
21 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
22 4.24.250, regardless of which agency is in possession of the
23 information and documents.

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

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

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

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

1 (mm) The personally identifying information of current or former
2 participants or applicants in a paratransit or other transit service
3 operated for the benefit of persons with disabilities or elderly
4 persons.

5 (nn) The personally identifying information of persons who acquire
6 and use transit passes and other fare payment media including, but not
7 limited to, stored value smart cards and magnetic strip cards, except
8 that an agency may disclose this information to a person, employer,
9 educational institution, or other entity that is responsible, in whole
10 or in part, for payment of the cost of acquiring or using a transit
11 pass or other fare payment media, or to the news media when reporting
12 on public transportation or public safety. This information may also
13 be disclosed at the agency's discretion to governmental agencies or
14 groups concerned with public transportation or public safety.

15 (oo) Proprietary financial and commercial information that the
16 submitting entity, with review by the department of health,
17 specifically identifies at the time it is submitted and that is
18 provided to or obtained by the department of health in connection with
19 an application for, or the supervision of, an antitrust exemption
20 sought by the submitting entity under RCW 43.72.310. If a request for
21 such information is received, the submitting entity must be notified of
22 the request. Within ten business days of receipt of the notice, the
23 submitting entity shall provide a written statement of the continuing
24 need for confidentiality, which shall be provided to the requester.
25 Upon receipt of such notice, the department of health shall continue to
26 treat information designated under this section as exempt from
27 disclosure. If the requester initiates an action to compel disclosure
28 under this chapter, the submitting entity must be joined as a party to
29 demonstrate the continuing need for confidentiality.

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

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

37 (rr) Any records of investigative reports prepared by any state,
38 county, municipal, or other law enforcement agency pertaining to sex

1 offenses contained in chapter 9A.44 RCW or sexually violent offenses as
2 defined in RCW 71.09.020, which have been transferred to the Washington
3 association of sheriffs and police chiefs for permanent electronic
4 retention and retrieval pursuant to RCW 40.14.070(2)(b).

5 (ss) Credit card numbers, debit card numbers, electronic check
6 numbers, card expiration dates, or bank or other financial account
7 numbers, except when disclosure is expressly required by or governed by
8 other law.

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

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

17 (vv) Individually identifiable information received by the work
18 force training and education coordinating board for research or
19 evaluation purposes.

20 (ww) Those portions of records assembled, prepared, or maintained
21 to prevent, mitigate, or respond to criminal terrorist acts, which are
22 acts that significantly disrupt the conduct of government or of the
23 general civilian population of the state or the United States and that
24 manifest an extreme indifference to human life, the public disclosure
25 of which would have a substantial likelihood of threatening public
26 safety, consisting of:

27 (i) Specific and unique vulnerability assessments or specific and
28 unique response or deployment plans, including compiled underlying data
29 collected in preparation of or essential to the assessments, or to the
30 response or deployment plans; and

31 (ii) Records not subject to public disclosure under federal law
32 that are shared by federal or international agencies, and information
33 prepared from national security briefings provided to state or local
34 government officials related to domestic preparedness for acts of
35 terrorism.

36 (xx) Commercial fishing catch data from logbooks required to be
37 provided to the department of fish and wildlife under RCW 77.12.047,
38 when the data identifies specific catch location, timing, or

1 methodology and the release of which would result in unfair competitive
2 disadvantage to the commercial fisher providing the catch data.
3 However, this information may be released to government agencies
4 concerned with the management of fish and wildlife resources.

5 (yy) Sensitive wildlife data obtained by the department of fish and
6 wildlife. However, sensitive wildlife data may be released to
7 government agencies concerned with the management of fish and wildlife
8 resources. Sensitive wildlife data includes:

9 (i) The nesting sites or specific locations of endangered species
10 designated under RCW 77.12.020, or threatened or sensitive species
11 classified by rule of the department of fish and wildlife;

12 (ii) Radio frequencies used in, or locational data generated by,
13 telemetry studies; or

14 (iii) Other location data that could compromise the viability of a
15 specific fish or wildlife population, and where at least one of the
16 following criteria are met:

17 (A) The species has a known commercial or black market value;

18 (B) There is a history of malicious take of that species; or

19 (C) There is a known demand to visit, take, or disturb, and the
20 species behavior or ecology renders it especially vulnerable or the
21 species has an extremely limited distribution and concentration.

22 (zz) The personally identifying information of persons who acquire
23 recreational licenses under RCW 77.32.010 or commercial licenses under
24 chapter 77.65 or 77.70 RCW, except name, address of contact used by the
25 department, and type of license, endorsement, or tag. However, the
26 department of fish and wildlife may disclose personally identifying
27 information to:

28 (i) Government agencies concerned with the management of fish and
29 wildlife resources;

30 (ii) The department of social and health services, child support
31 division, and to the department of licensing in order to implement RCW
32 77.32.014 and 46.20.291; and

33 (iii) Law enforcement agencies for the purpose of firearm
34 possession enforcement under RCW 9.41.040.

35 (aaa)(i) Discharge papers of a veteran of the armed forces of the
36 United States filed at the office of the county auditor before July 1,
37 2002, that have not been commingled with other recorded documents.
38 These records will be available only to the veteran, the veteran's next

1 of kin, a deceased veteran's properly appointed personal representative
2 or executor, a person holding that veteran's general power of attorney,
3 or to anyone else designated in writing by that veteran to receive the
4 records.

5 (ii) Discharge papers of a veteran of the armed forces of the
6 United States filed at the office of the county auditor before July 1,
7 2002, that have been commingled with other records, if the veteran has
8 recorded a "request for exemption from public disclosure of discharge
9 papers" with the county auditor. If such a request has been recorded,
10 these records may be released only to the veteran filing the papers,
11 the veteran's next of kin, a deceased veteran's properly appointed
12 personal representative or executor, a person holding the veteran's
13 general power of attorney, or anyone else designated in writing by the
14 veteran to receive the records.

15 (iii) Discharge papers of a veteran filed at the office of the
16 county auditor after June 30, 2002, are not public records, but will be
17 available only to the veteran, the veteran's next of kin, a deceased
18 veteran's properly appointed personal representative or executor, a
19 person holding the veteran's general power of attorney, or anyone else
20 designated in writing by the veteran to receive the records.

21 (iv) For the purposes of this subsection (1)(aaa), next of kin of
22 deceased veterans have the same rights to full access to the record.
23 Next of kin are the veteran's widow or widower who has not remarried,
24 son, daughter, father, mother, brother, and sister.

25 (bbb) Those portions of records containing specific and unique
26 vulnerability assessments or specific and unique emergency and escape
27 response plans at a city, county, or state adult or juvenile
28 correctional facility, the public disclosure of which would have a
29 substantial likelihood of threatening the security of a city, county,
30 or state adult or juvenile correctional facility or any individual's
31 safety.

32 (ccc) Information compiled by school districts or schools in the
33 development of their comprehensive safe school plans pursuant to RCW
34 28A.320.125, to the extent that they identify specific vulnerabilities
35 of school districts and each individual school.

36 (ddd) Information regarding the infrastructure and security of
37 computer and telecommunications networks, consisting of security
38 passwords, security access codes and programs, access codes for secure

1 software applications, security and service recovery plans, security
2 risk assessments, and security test results to the extent that they
3 identify specific system vulnerabilities.

4 (eee) Information obtained and exempted or withheld from public
5 inspection by the health care authority under RCW 41.05.026, whether
6 retained by the authority, transferred to another state purchased
7 health care program by the authority, or transferred by the authority
8 to a technical review committee created to facilitate the development,
9 acquisition, or implementation of state purchased health care under
10 chapter 41.05 RCW.

11 (fff) Proprietary data, trade secrets, or other information that
12 relates to: (i) A vendor's unique methods of conducting business; (ii)
13 data unique to the product or services of the vendor; or (iii)
14 determining prices or rates to be charged for services, submitted by
15 any vendor to the department of social and health services for purposes
16 of the development, acquisition, or implementation of state purchased
17 health care as defined in RCW 41.05.011.

18 (ggg) Proprietary information deemed confidential for the purposes
19 of section 923, chapter 26, Laws of 2003 1st sp. sess.

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

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

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

1 **Sec. 3.** RCW 42.17.310 and 2003 c 277 s 3 and 2003 c 124 s 1 are
2 each reenacted and amended to read as follows:

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

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

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

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11 assessment or collection of any tax if the disclosure of the
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14 taxpayer's right to privacy or result in unfair competitive
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16 (d) Specific intelligence information and specific investigative
17 records compiled by investigative, law enforcement, and penology
18 agencies, and state agencies vested with the responsibility to
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23 to or victims of crime or who file complaints with investigative, law
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35 estate appraisals, made for or by any agency relative to the
36 acquisition or sale of property, until the project or prospective sale
37 is abandoned or until such time as all of the property has been

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28 the utilities and transportation commission under RCW 81.34.070, except
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29 establishment, enforcement, or modification of a support order.

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31 under chapter 18.130 RCW maintained in the files of the department of
32 health, except this exemption does not apply to requests made directly
33 to the department from federal, state, and local agencies of
34 government, and national and state licensing, credentialing,
35 investigatory, disciplinary, and examination organizations; (ii) the
36 current residential address and current residential telephone number of
37 a health care provider governed under chapter 18.130 RCW maintained in
38 the files of the department, if the provider requests that this

1 information be withheld from public inspection and copying, and
2 provides to the department an accurate alternate or business address
3 and business telephone number. On or after January 1, 1995, the
4 current residential address and residential telephone number of a
5 health care provider governed under RCW 18.130.040 maintained in the
6 files of the department shall automatically be withheld from public
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29 employee: (i) Seeks advice, under an informal process established by
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1 (ff) Business related information protected from public inspection
2 and copying under RCW 15.86.110.

3 (gg) Financial, commercial, operations, and technical and research
4 information and data submitted to or obtained by the clean Washington
5 center in applications for, or delivery of, program services under
6 chapter 70.95H RCW.

7 (hh) Information and documents created specifically for, and
8 collected and maintained by a quality improvement committee pursuant to
9 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
10 4.24.250, regardless of which agency is in possession of the
11 information and documents.

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

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

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

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

27 (mm) The personally identifying information of current or former
28 participants or applicants in a paratransit or other transit service
29 operated for the benefit of persons with disabilities or elderly
30 persons.

31 (nn) The personally identifying information of persons who acquire
32 and use transit passes and other fare payment media including, but not
33 limited to, stored value smart cards and magnetic strip cards, except
34 that an agency may disclose this information to a person, employer,
35 educational institution, or other entity that is responsible, in whole
36 or in part, for payment of the cost of acquiring or using a transit
37 pass or other fare payment media, or to the news media when reporting

1 on public transportation or public safety. This information may also
2 be disclosed at the agency's discretion to governmental agencies or
3 groups concerned with public transportation or public safety.

4 (oo) Proprietary financial and commercial information that the
5 submitting entity, with review by the department of health,
6 specifically identifies at the time it is submitted and that is
7 provided to or obtained by the department of health in connection with
8 an application for, or the supervision of, an antitrust exemption
9 sought by the submitting entity under RCW 43.72.310. If a request for
10 such information is received, the submitting entity must be notified of
11 the request. Within ten business days of receipt of the notice, the
12 submitting entity shall provide a written statement of the continuing
13 need for confidentiality, which shall be provided to the requester.
14 Upon receipt of such notice, the department of health shall continue to
15 treat information designated under this section as exempt from
16 disclosure. If the requester initiates an action to compel disclosure
17 under this chapter, the submitting entity must be joined as a party to
18 demonstrate the continuing need for confidentiality.

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

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

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

32 (ss) Credit card numbers, debit card numbers, electronic check
33 numbers, card expiration dates, or bank or other financial account
34 numbers, except when disclosure is expressly required by or governed by
35 other law.

36 (tt) Financial information, including but not limited to account
37 numbers and values, and other identification numbers supplied by or on

1 behalf of a person, firm, corporation, limited liability company,
2 partnership, or other entity related to an application for a liquor
3 license, gambling license, or lottery retail license.

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

7 (vv) Individually identifiable information received by the work
8 force training and education coordinating board for research or
9 evaluation purposes.

10 (ww) Those portions of records assembled, prepared, or maintained
11 to prevent, mitigate, or respond to criminal terrorist acts, which are
12 acts that significantly disrupt the conduct of government or of the
13 general civilian population of the state or the United States and that
14 manifest an extreme indifference to human life, the public disclosure
15 of which would have a substantial likelihood of threatening public
16 safety, consisting of:

17 (i) Specific and unique vulnerability assessments or specific and
18 unique response or deployment plans, including compiled underlying data
19 collected in preparation of or essential to the assessments, or to the
20 response or deployment plans; and

21 (ii) Records not subject to public disclosure under federal law
22 that are shared by federal or international agencies, and information
23 prepared from national security briefings provided to state or local
24 government officials related to domestic preparedness for acts of
25 terrorism.

26 (xx) Commercial fishing catch data from logbooks required to be
27 provided to the department of fish and wildlife under RCW 77.12.047,
28 when the data identifies specific catch location, timing, or
29 methodology and the release of which would result in unfair competitive
30 disadvantage to the commercial fisher providing the catch data.
31 However, this information may be released to government agencies
32 concerned with the management of fish and wildlife resources.

33 (yy) Sensitive wildlife data obtained by the department of fish and
34 wildlife. However, sensitive wildlife data may be released to
35 government agencies concerned with the management of fish and wildlife
36 resources. Sensitive wildlife data includes:

37 (i) The nesting sites or specific locations of endangered species

1 designated under RCW 77.12.020, or threatened or sensitive species
2 classified by rule of the department of fish and wildlife;

3 (ii) Radio frequencies used in, or locational data generated by,
4 telemetry studies; or

5 (iii) Other location data that could compromise the viability of a
6 specific fish or wildlife population, and where at least one of the
7 following criteria are met:

8 (A) The species has a known commercial or black market value;

9 (B) There is a history of malicious take of that species; or

10 (C) There is a known demand to visit, take, or disturb, and the
11 species behavior or ecology renders it especially vulnerable or the
12 species has an extremely limited distribution and concentration.

13 (zz) The personally identifying information of persons who acquire
14 recreational licenses under RCW 77.32.010 or commercial licenses under
15 chapter 77.65 or 77.70 RCW, except name, address of contact used by the
16 department, and type of license, endorsement, or tag. However, the
17 department of fish and wildlife may disclose personally identifying
18 information to:

19 (i) Government agencies concerned with the management of fish and
20 wildlife resources;

21 (ii) The department of social and health services, child support
22 division, and to the department of licensing in order to implement RCW
23 77.32.014 and 46.20.291; and

24 (iii) Law enforcement agencies for the purpose of firearm
25 possession enforcement under RCW 9.41.040.

26 (aaa)(i) Discharge papers of a veteran of the armed forces of the
27 United States filed at the office of the county auditor before July 1,
28 2002, that have not been commingled with other recorded documents.
29 These records will be available only to the veteran, the veteran's next
30 of kin, a deceased veteran's properly appointed personal representative
31 or executor, a person holding that veteran's general power of attorney,
32 or to anyone else designated in writing by that veteran to receive the
33 records.

34 (ii) Discharge papers of a veteran of the armed forces of the
35 United States filed at the office of the county auditor before July 1,
36 2002, that have been commingled with other records, if the veteran has
37 recorded a "request for exemption from public disclosure of discharge
38 papers" with the county auditor. If such a request has been recorded,

1 these records may be released only to the veteran filing the papers,
2 the veteran's next of kin, a deceased veteran's properly appointed
3 personal representative or executor, a person holding the veteran's
4 general power of attorney, or anyone else designated in writing by the
5 veteran to receive the records.

6 (iii) Discharge papers of a veteran filed at the office of the
7 county auditor after June 30, 2002, are not public records, but will be
8 available only to the veteran, the veteran's next of kin, a deceased
9 veteran's properly appointed personal representative or executor, a
10 person holding the veteran's general power of attorney, or anyone else
11 designated in writing by the veteran to receive the records.

12 (iv) For the purposes of this subsection (1)(aaa), next of kin of
13 deceased veterans have the same rights to full access to the record.
14 Next of kin are the veteran's widow or widower who has not remarried,
15 son, daughter, father, mother, brother, and sister.

16 (bbb) Those portions of records containing specific and unique
17 vulnerability assessments or specific and unique emergency and escape
18 response plans at a city, county, or state adult or juvenile
19 correctional facility, the public disclosure of which would have a
20 substantial likelihood of threatening the security of a city, county,
21 or state adult or juvenile correctional facility or any individual's
22 safety.

23 (ccc) Information compiled by school districts or schools in the
24 development of their comprehensive safe school plans pursuant to RCW
25 28A.320.125, to the extent that they identify specific vulnerabilities
26 of school districts and each individual school.

27 (ddd) Information regarding the infrastructure and security of
28 computer and telecommunications networks, consisting of security
29 passwords, security access codes and programs, access codes for secure
30 software applications, security and service recovery plans, security
31 risk assessments, and security test results to the extent that they
32 identify specific system vulnerabilities.

33 (eee) Information obtained and exempted or withheld from public
34 inspection by the health care authority under RCW 41.05.026, whether
35 retained by the authority, transferred to another state purchased
36 health care program by the authority, or transferred by the authority
37 to a technical review committee created to facilitate the development,

1 acquisition, or implementation of state purchased health care under
2 chapter 41.05 RCW.

3 (fff) Proprietary data, trade secrets, or other information that
4 relates to: (i) A vendor's unique methods of conducting business; (ii)
5 data unique to the product or services of the vendor; or (iii)
6 determining prices or rates to be charged for services, submitted by
7 any vendor to the department of social and health services for purposes
8 of the development, acquisition, or implementation of state purchased
9 health care as defined in RCW 41.05.011.

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

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

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

28 NEW SECTION. **Sec. 4.** (1) A task force on the protection of
29 personal information is established. The task force shall consist of
30 four members, as follows:

31 (a) Two members from each of the two largest caucuses of the
32 senate, appointed by the president of the senate;

33 (b) Two members from each of the two largest caucuses of the house
34 of representatives, appointed by the speaker of the house of
35 representatives.

36 (2) The task force shall choose its chair from among its
37 membership. The task force, where feasible, shall consult with

1 individuals from the public and private sector or ask such persons to
2 establish an advisory group. Those with whom the task force may
3 consult include representatives from at least the following:

- 4 (a) The cities and counties, including the county auditors;
- 5 (b) Law enforcement agencies;
- 6 (c) The attorney general's office;
- 7 (d) The department of information services; and
- 8 (e) Organizations involved in privacy and information services.

9 (3) The task force shall:

10 (a) Identify the types of personal and identifying information
11 available to the public on local and state agencies' internet web
12 sites;

13 (b) Research the accessibility of personal and identifying
14 information that is available on the internet;

15 (c) Identify potential risks created by such accessibility;

16 (d) Identify state and local agencies' practices and policies
17 regarding placing public records on the internet; and

18 (e) Identify methods to reduce the risks created by accessibility
19 of personal and identifying information while complying with the public
20 disclosure laws and this state's policy on public accessibility to
21 information.

22 (4) The task force may use legislative facilities and staff from
23 senate committee services and the office of program research. All
24 expenses of the task force, including travel, shall be paid jointly by
25 the senate and the house of representatives.

26 (5) The task force shall make a preliminary report of its findings
27 and recommendations to the appropriate legislative committees by
28 December 1, 2004.

29 (6) This section expires July 1, 2005.

30 NEW SECTION. **Sec. 5.** Section 2 of this act expires June 30, 2005.

31 NEW SECTION. **Sec. 6.** Section 3 of this act takes effect June 30,
32 2005.

33 NEW SECTION. **Sec. 7.** If any provision of this act or its
34 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

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