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ENGROSSED SENATE BILL 5927

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State of Washington

60th Legislature

2008 Regular Session

By Senator Delvin

Read first time 02/07/2007. Referred to Committee on Labor,  
Commerce, Research & Development.

1 AN ACT Relating to exempting certain internal control documents  
2 from disclosure under the public records act; reenacting and amending  
3 RCW 42.56.270; and providing an effective date.

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

5 **Sec. 1.** RCW 42.56.270 and 2007 c 470 s 2, 2007 c 251 s 13, and  
6 2007 c 197 s 4 are each reenacted and amended to read as follows:

7 The following financial, commercial, and proprietary information is  
8 exempt from disclosure under this chapter:

9 (1) Valuable formulae, designs, drawings, computer source code or  
10 object code, and research data obtained by any agency within five years  
11 of the request for disclosure when disclosure would produce private  
12 gain and public loss;

13 (2) Financial information supplied by or on behalf of a person,  
14 firm, or corporation for the purpose of qualifying to submit a bid or  
15 proposal for (a) a ferry system construction or repair contract as  
16 required by RCW 47.60.680 through 47.60.750 or (b) highway construction  
17 or improvement as required by RCW 47.28.070;

18 (3) Financial and commercial information and records supplied by

1 private persons pertaining to export services provided under chapters  
2 43.163 and 53.31 RCW, and by persons pertaining to export projects  
3 under RCW 43.23.035;

4 (4) Financial and commercial information and records supplied by  
5 businesses or individuals during application for loans or program  
6 services provided by chapters (~~(15.110)~~) 43.325, 43.163, 43.160,  
7 43.330, and 43.168 RCW, or during application for economic development  
8 loans or program services provided by any local agency;

9 (5) 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 (6) 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 (7) Financial and valuable trade information under RCW 51.36.120;

19 (8) Financial, commercial, operations, and technical and research  
20 information and data submitted to or obtained by the clean Washington  
21 center in applications for, or delivery of, program services under  
22 chapter 70.95H RCW;

23 (9) Financial and commercial information requested by the public  
24 stadium authority from any person or organization that leases or uses  
25 the stadium and exhibition center as defined in RCW 36.102.010;

26 (10)(a) Financial information, including but not limited to account  
27 numbers and values, and other identification numbers supplied by or on  
28 behalf of a person, firm, corporation, limited liability company,  
29 partnership, or other entity related to an application for a horse  
30 racing license submitted pursuant to RCW 67.16.260(1)(b), liquor  
31 license, gambling license, or lottery retail license;

32 (b) Internal control documents, independent auditors' reports and  
33 financial statements, and supporting documents: (i) Of house-banked  
34 social card game licensees required by the gambling commission pursuant  
35 to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes  
36 with an approved tribal/state compact for class III gaming;

37 (11) Proprietary data, trade secrets, or other information that  
38 relates to: (a) A vendor's unique methods of conducting business; (b)

1 data unique to the product or services of the vendor; or (c)  
2 determining prices or rates to be charged for services, submitted by  
3 any vendor to the department of social and health services for purposes  
4 of the development, acquisition, or implementation of state purchased  
5 health care as defined in RCW 41.05.011;

6 (12)(a) When supplied to and in the records of the department of  
7 community, trade, and economic development:

8 (i) Financial and proprietary information collected from any person  
9 and provided to the department of community, trade, and economic  
10 development pursuant to RCW 43.330.050(8) (~~and 43.330.080(4)~~); and

11 (ii) Financial or proprietary information collected from any person  
12 and provided to the department of community, trade, and economic  
13 development or the office of the governor in connection with the  
14 siting, recruitment, expansion, retention, or relocation of that  
15 person's business and until a siting decision is made, identifying  
16 information of any person supplying information under this subsection  
17 and the locations being considered for siting, relocation, or expansion  
18 of a business;

19 (b) When developed by the department of community, trade, and  
20 economic development based on information as described in (a)(i) of  
21 this subsection, any work product is not exempt from disclosure;

22 (c) For the purposes of this subsection, "siting decision" means  
23 the decision to acquire or not to acquire a site;

24 (d) If there is no written contact for a period of sixty days to  
25 the department of community, trade, and economic development from a  
26 person connected with siting, recruitment, expansion, retention, or  
27 relocation of that person's business, information described in (a)(ii)  
28 of this subsection will be available to the public under this chapter;

29 (13) Financial and proprietary information submitted to or obtained  
30 by the department of ecology or the authority created under chapter  
31 70.95N RCW to implement chapter 70.95N RCW;

32 (14) Financial, commercial, operations, and technical and research  
33 information and data submitted to or obtained by the life sciences  
34 discovery fund authority in applications for, or delivery of, grants  
35 under chapter 43.350 RCW, to the extent that such information, if  
36 revealed, would reasonably be expected to result in private loss to the  
37 providers of this information;

1 (15) Financial and commercial information provided as evidence to  
2 the department of licensing as required by RCW 19.112.110 or  
3 19.112.120, except information disclosed in aggregate form that does  
4 not permit the identification of information related to individual fuel  
5 licensees;

6 (16) Any production records, mineral assessments, and trade secrets  
7 submitted by a permit holder, mine operator, or landowner to the  
8 department of natural resources under RCW 78.44.085;

9 (17)(a) Farm plans developed by conservation districts, unless  
10 permission to release the farm plan is granted by the landowner or  
11 operator who requested the plan, or the farm plan is used for the  
12 application or issuance of a permit;

13 (b) Farm plans developed under chapter 90.48 RCW and not under the  
14 federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to  
15 RCW 42.56.610 and 90.64.190;

16 (18) Financial, commercial, operations, and technical and research  
17 information and data submitted to or obtained by a health sciences and  
18 services authority in applications for, or delivery of, grants under  
19 RCW 35.104.010 through 35.104.060, to the extent that such information,  
20 if revealed, would reasonably be expected to result in private loss to  
21 providers of this information; and

22 (19) Information gathered under chapter 19.85 RCW or RCW 34.05.328  
23 that can be identified to a particular business.

24 NEW SECTION. **Sec. 2.** Section 1 of this act takes effect June 30,  
25 2008.

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