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**SENATE BILL 5102**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senator Hasegawa

Prefiled 12/23/24.

1 AN ACT Relating to establishing a public records exemption for  
2 the proprietary information of public risk pools; and amending RCW  
3 42.56.270.

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

5 **Sec. 1.** RCW 42.56.270 and 2023 c 340 s 11 are each amended to  
6 read as follows:

7 The following financial, commercial, and proprietary information  
8 is 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  
11 years of the request for disclosure when disclosure would produce  
12 private 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; (b) highway construction  
17 or improvement as required by RCW 47.28.070; or (c) alternative  
18 public works contracting procedures as required by RCW 39.10.200  
19 through 39.10.905;

20 (3) Financial and commercial information and records supplied by  
21 private persons pertaining to export services provided under chapters

1 43.163 and 53.31 RCW, and by persons pertaining to export projects  
2 under RCW 43.23.035;

3 (4) Financial and commercial information and records supplied by  
4 businesses or individuals during application for loans or program  
5 services provided by chapters 43.325, 43.163, 43.160, 43.330, 43.168,  
6 and 43.181 RCW and RCW 43.155.160, or during application for economic  
7 development loans or program services provided by any local agency;

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

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

17 (7) Financial and valuable trade information under RCW 51.36.120;

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

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

25 (10)(a) Financial information, including but not limited to  
26 account numbers and values, and other identification numbers supplied  
27 by or on behalf of a person, firm, corporation, limited liability  
28 company, partnership, or other entity related to an application for a  
29 horse racing license submitted pursuant to RCW 67.16.260(1)(b),  
30 cannabis producer, processor, or retailer license, liquor license,  
31 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  
35 pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted  
36 by tribes with an approved tribal/state compact for class III gaming;

37 (c) Valuable formulae or financial or proprietary commercial  
38 information records received during a consultative visit or while  
39 providing consultative services to a licensed cannabis business in  
40 accordance with RCW 69.50.561;

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

9 (12)(a) When supplied to and in the records of the department of  
10 commerce:

11 (i) Financial and proprietary information collected from any  
12 person and provided to the department of commerce pursuant to RCW  
13 43.330.050(8);

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

21 (iii) Financial or proprietary information collected from any  
22 person and provided to the department of commerce pursuant to RCW  
23 43.31.625 (3)(b) and (4);

24 (b) When developed by the department of commerce based on  
25 information as described in (a)(i) of this subsection, any work  
26 product is not exempt from disclosure;

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

29 (d) If there is no written contact for a period of 60 days to the  
30 department of commerce from a person connected with siting,  
31 recruitment, expansion, retention, or relocation of that person's  
32 business, information described in (a)(ii) of this subsection will be  
33 available to the public under this chapter;

34 (13) Financial and proprietary information submitted to or  
35 obtained by the department of ecology or the authority created under  
36 chapter 70A.500 RCW to implement chapter 70A.500 RCW;

37 (14) Financial, commercial, operations, and technical and  
38 research information and data submitted to or obtained by the life  
39 sciences discovery fund authority in applications for, or delivery  
40 of, grants under RCW 43.330.502, to the extent that such information,

1 if revealed, would reasonably be expected to result in private loss  
2 to the providers of this information;

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

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

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

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

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

24 (19) Information gathered under chapter 19.85 RCW or RCW  
25 34.05.328 that can be identified to a particular business;

26 (20) Financial and commercial information submitted to or  
27 obtained by the University of Washington, other than information the  
28 university is required to disclose under RCW 28B.20.150, when the  
29 information relates to investments in private funds, to the extent  
30 that such information, if revealed, would reasonably be expected to  
31 result in loss to the University of Washington consolidated endowment  
32 fund or to result in private loss to the providers of this  
33 information;

34 (21) Market share data submitted by a manufacturer under RCW  
35 70A.500.190(4);

36 (22) Financial information supplied to the department of  
37 financial institutions, when filed by or on behalf of an issuer of  
38 securities for the purpose of obtaining the exemption from state  
39 securities registration for small securities offerings provided under

1 RCW 21.20.880 or when filed by or on behalf of an investor for the  
2 purpose of purchasing such securities;

3 (23) Unaggregated or individual notices of a transfer of crude  
4 oil that is financial, proprietary, or commercial information,  
5 submitted to the department of ecology pursuant to RCW  
6 90.56.565(1)(a), and that is in the possession of the department of  
7 ecology or any entity with which the department of ecology has shared  
8 the notice pursuant to RCW 90.56.565;

9 (24) Financial institution and retirement account information,  
10 and building security plan information, supplied to the liquor and  
11 cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and  
12 69.50.345, when filed by or on behalf of a licensee or prospective  
13 licensee for the purpose of obtaining, maintaining, or renewing a  
14 license to produce, process, transport, or sell cannabis as allowed  
15 under chapter 69.50 RCW;

16 (25) Cannabis transport information, vehicle and driver  
17 identification data, and account numbers or unique access identifiers  
18 issued to private entities for traceability system access, submitted  
19 by an individual or business to the liquor and cannabis board under  
20 the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and  
21 69.50.345 for the purpose of cannabis product traceability.  
22 Disclosure to local, state, and federal officials is not considered  
23 public disclosure for purposes of this section;

24 (26) Financial and commercial information submitted to or  
25 obtained by the retirement board of any city that is responsible for  
26 the management of an employees' retirement system pursuant to the  
27 authority of chapter 35.39 RCW, when the information relates to  
28 investments in private funds, to the extent that such information, if  
29 revealed, would reasonably be expected to result in loss to the  
30 retirement fund or to result in private loss to the providers of this  
31 information except that (a) the names and commitment amounts of the  
32 private funds in which retirement funds are invested and (b) the  
33 aggregate quarterly performance results for a retirement fund's  
34 portfolio of investments in such funds are subject to disclosure;

35 (27) Proprietary financial, commercial, operations, and technical  
36 and research information and data submitted to or obtained by the  
37 liquor and cannabis board in applications for cannabis research  
38 licenses under RCW 69.50.372, or in reports submitted by cannabis  
39 research licensees in accordance with rules adopted by the liquor and  
40 cannabis board under RCW 69.50.372;

1 (28) Trade secrets, technology, proprietary information, and  
2 financial considerations contained in any agreements or contracts,  
3 entered into by a licensed cannabis business under RCW 69.50.395,  
4 which may be submitted to or obtained by the state liquor and  
5 cannabis board;

6 (29) Financial, commercial, operations, and technical and  
7 research information and data submitted to or obtained by the Andy  
8 Hill cancer research endowment program in applications for, or  
9 delivery of, grants under chapter 43.348 RCW, to the extent that such  
10 information, if revealed, would reasonably be expected to result in  
11 private loss to providers of this information;

12 (30) Proprietary information filed with the department of health  
13 under chapter 69.48 RCW;

14 (31) Records filed with the department of ecology under chapter  
15 70A.515 RCW that a court has determined are confidential valuable  
16 commercial information under RCW 70A.515.130; (~~and~~)

17 (32) Unaggregated financial, proprietary, or commercial  
18 information submitted to or obtained by the liquor and cannabis board  
19 in applications for licenses under RCW 66.24.140 or 66.24.145, or in  
20 any reports or remittances submitted by a person licensed under RCW  
21 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis  
22 board under chapter 66.08 RCW; and

23 (33) Formulas and data public risk pools used to calculate rates  
24 for pool member contributions or assessments, and actuarial analyses  
25 and reports prepared by or for public risk pools.

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