

WAC 208-12-100 Exemptions from public records. (1) All public records of the department are available for public inspection and copying pursuant to this chapter, unless the department determines that a requested public record or portion of a public record is exempt under the provisions of chapter 42.56 RCW or other statute.

(2) Various statutes exempt certain records from disclosure including, but not limited to:

(a) **Division of banks** - Examination reports and information obtained by the department in relation to:

(i) Washington state commercial banks and their holding companies, RCW 30A.04.075;

(ii) Washington state savings banks and their holding companies, RCW 32.04.220;

(iii) Nondepository trust companies, RCW 30B.04.060;

(iv) Agricultural lenders, chapter 31.35 RCW;

(v) Federally guaranteed small business loan companies, chapter 31.40 RCW; and

(vi) Business development companies, RCW 31.24.120.

(b) **Division of consumer services** - Information obtained by the department in relation to:

(i) The personal residence address and telephone number of applicants for a check casher's and seller's license, RCW 31.45.030(3);

(ii) A trade secret as defined under RCW 19.108.010 regarding an applicant for or holder of a check casher's and seller's license, RCW 31.45.030(3);

(iii) Information or reports obtained by the department or prepared by, on behalf of, or for the use of the department regarding money transmitters, currency exchangers, and other money service businesses subject to licensure by the department, RCW 19.230.190.

(c) **Division of credit unions** - Examination reports and information obtained by the department in relation to Washington state-chartered credit unions and credit union service organizations, RCW 31.12.565; and

(d) **Division of securities** - Information obtained by the department in relation to:

(i) Investigation of securities offerors, broker-dealers, and investment advisers, RCW 21.20.480, 20.20.510, 21.20.700, and, especially, 21.20.855;

(ii) Investigation of commodities offerors or broker-dealers, RCW 21.30.170;

(iii) Investigation of franchisors and franchise brokers, RCW 19.100.242; and

(iv) Investigation of business opportunities offerors, RCW 19.110.140.

(3) Other statutory exemptions may cover records received by the department from another regulatory agency or under interagency agreement.

(4) Federal statutes and rules, including regulations of the federal reserve board of governors, federal deposit insurance corporation, national credit union administration, consumer financial protection bureau, securities and exchange commission, and other federal financial regulators implementing the Freedom of Information Act, at subsection (b)(8) of Title 5, United States Code, Section 552 (5 U.S.C. Sec. 552(b)(8)), which:

(a) Exempts from public disclosure examination and investigation information involving financial institutions that are also subject to regulation by the department; and

(b) May be more expansive than or supersede or preempt Washington state law with respect to public disclosure of such information.

(5) Pursuant to RCW 42.56.050, 42.56.070, 42.56.210, 42.56.230, and 42.56.240, the department reserves its authority to delete identifying details when it makes available or publishes any public record, if there is reason to believe that disclosure of such details would be an invasion of personal privacy. All deletions will be justified in writing.

[Statutory Authority: RCW 43.320.040, 42.56.040, 42.56.100, and 42.56.120. WSR 18-13-104, § 208-12-100, filed 6/19/18, effective 8/1/18. Statutory Authority: RCW 43.320.040 and 42.17.250. WSR 96-14-082, § 208-12-100, filed 7/1/96, effective 8/1/96.]