

CURRENT PUBLIC RECORDS ACT EXEMPTIONS

(As of May 9, 2013)

(See, *Resident Action Council v. Seattle Housing Authority*, No. 87656-8)

(Chapter 42.56 RCW)

I. CATEGORICAL EXEMPTIONS

a. *Categorical-Information Exemptions* (certain types of information exempted categorically)

1. "Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients" .230(1)
2. "Personal information ... for a participant in a public or nonprofit program serving or pertaining to children, adolescents, or students" .230(2)
3. "Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure ... [would be] prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance authorized under RCW 35.1 02.145" .230(4)(a)
4. "Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers" .230(5)
5. "Personal and financial information related to a small loan" .230(6)
6. "Information provided under RCW 46.20.111 that indicates that an applicant declined to register with the selective service system" .230(7)(b)
7. "Information revealing the identity of child victims of sexual assault who are under age eighteen" .240(5)
8. "Data from the electronic sales tracking system" .240(7)
9. "Information submitted to the statewide unified sex offender notification and registration program ... by a person for the purpose of receiving notification regarding a registered sex offender" .240(8)
10. "Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs and vacation crime watch programs" .240(9)
11. "Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination" .250(1)
12. "The residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail

addresses, social security numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency" .250(3)

13. "Information that identifies a person who, while an agency employee: (a) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (b) requests his or her identity or any identifying information not be disclosed" .250(4)

14. "[S]alary and benefit information for maritime employees collected from private employers" .250(7)

15. "Photographs and month and year of birth in the personnel files of employees and workers of criminal justice agencies" .250(8)

16. "[T]he contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or ... all of the property has been acquired or ... sold" .260

17. "Financial information supplied ... for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract ... or (b) highway construction or improvement" .270(2)

18. "Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW" .270(5)

19. "Financial and valuable trade information under RCW 51.36.120" .270(7)

20. "Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW" .270(8)

21. "Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center" .270(9)

22. "Financial information ... supplied by or on behalf of a person . . . related to an application for a horse racing license ... liquor license, gambling license, or lottery retail license" .270(1 O)(a)

23. "Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care" .270(11)
24. "Financial and proprietary information ... provided to the department of commerce pursuant to RCW 43.330.050(8) ... [or] provided to the department of commerce or the office of the governor in connection with the siting ... of that person's business and until a siting decision is made, identifying information of any person supplying information ... and the locations being considered" .270(12)
25. "Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW" .270(13)
26. "Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120" .270(15)
27. "Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business" .270(19)
28. "Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units" .320(2)
29. "Individually identifiable information received by the workforce training and education coordinating board for research or evaluation purposes" .320(3)
30. "The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers" .330(2)
31. "The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons" .330(4)
32. "The personally identifying information of persons who acquire and use transit passes or other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards" .330(5)
33. "Any information obtained by governmental agencies that is collected by the use of a motor carrier intelligent transportation

system or any comparable information equipment attached to a truck, tractor, or trailer" .330(6)

34. "The personally identifying information of persons who acquire and use transponders or other technology to facilitate payment of tolls" .330(7)

35. "The personally identifying information of persons who acquire and use a driver's license or identicaid that includes a radio frequency identification chip or similar technology to facilitate border crossing" .330(8)

36. "Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department" .340

37. "The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health" .350(1)

38. "The current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department" .350(2)

39. "Information obtained by the board of pharmacy as provided in RCW 69.45.090" .360(1)(a)

40. "Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420" .360(1)(b)

41. "Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption" .360(1)(d)(i)

42. "Information obtained by the department of health under chapter 70.225 RCW" .360(1)(g)

43. "Information collected by the department of health under chapter 70.245 RCW except as provided in RCW 70.245.150" .360(1)(h)

44. "Cardiac and stroke system performance data submitted to national, state, or local data collection systems" .360(1)(i)

45. "Business-related information under RCW 15.86.110" .380(1)

46. "Information provided under RCW 15.54.362" .380(2)

47. "Consignment information contained on phytosanitary certificates issued by the department of agriculture ... or federal phytosanitary certificates ... or on applications for phytosanitary certification required by the department of agriculture" .380(4)

48. "Information obtained regarding the purchases, sales, or production of an individual American ginseng grower or dealer, except for providing reports to the United States fish and wildlife service under RCW 15.19.080" .380(6)
49. "Information collected regarding packers and shippers of fruits and vegetables for the issuance of certificates of compliance under RCW 15.17.140(2) and 15.17.143" .380(7)
50. "Information submitted by an individual or business to the department of agriculture ... for the purpose of herd inventory management for animal disease traceability" .380(9)
51. "Results of testing for animal diseases from samples submitted by or at the direction of the animal owner or his or her designee that can be identified to a particular business or individual" .380(10)
52. "Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043" .390
53. "Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026" .400(2)
54. "The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW" .400(3)
55. "Information provided under RCW 48.30A.045 through 48.30A.060" .400(4)
56. "Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625" .400(5)
57. "Information provided to the insurance commissioner under RCW 48.110.040(3)" .400(7)
58. "Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims" .400(10)
59. "Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b)" .400(20)
60. "The security section of transportation system safety and security program plans required under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180" .420(5)

61. "The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife" .430(2)(a)
62. "Radio frequencies used in, or locational data generated by telemetry studies" .430(2)(b)
63. "The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag" .430(3)
64. "Information that the department of fish and wildlife has received or accessed but may not disclose due to confidentiality requirements in the Magnuson-Stevens fishery conservation and management reauthorization act of 2006 (16 U.S.C. Sec. 1861(h)(3) and (i), and Sec. 1881a(b))" .430(4)
65. "Information in an application for licensing or a small loan endorsement under chapter 31.45 RCW regarding the personal residential address, telephone number of the applicant, or financial statement" .450
66. "Information relating to ... [r]ailroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070" .480(1)
67. "Personal information in files maintained in a database created under RCW 43.07 .360" .480(2)
68. "Data collected by the department of social and health services for the reports required by section 8, chapter 231, Laws of 2003, except as compiled in the aggregate and reported to the senate and house of representatives" .480(3)
69. "The following information in plans, records, and reports obtained by state and local agencies from dairies, animal feeding operations, and concentrated animal feeding operations, not required to apply for a national pollutant discharge elimination system permit is disclosable only in ranges that provide meaningful information to the public while ensuring confidentiality of business information regarding: (1) Number of animals; (2) volume of livestock nutrients generated; (3) number of acres covered by the plan or used for land application of livestock nutrients; (4) livestock nutrients transferred to other persons; and (5) crop yields" .610

b. *Categorical-Record Exemptions* (certain types of records exempted categorically)

1. "Documents and related materials and scanned images of documents and related materials used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicaid" .230(7)(a)
2. "Any records of investigative reports prepared by any ... law enforcement agency pertaining to sex offenses ... which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval" .240(3)
3. "License applications under RCW 9.41.070" .240(4)
4. "The statewide gang database" .240(6)
5. "All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant" .250(2)
6. "Investigative records compiled by an employing agency conducting an active and ongoing investigation of a possible unfair practice ... or of a possible violation of ... laws prohibiting discrimination in employment" .250(5)
7. "Criminal history records checks for board staff finalist candidates" .250(6)
8. "Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of housebanked social card game licensees ... or (ii) submitted by tribes with an approved tribal/state compact for class III gaming" .270(1 O)(b)
9. "Farm plans developed by conservation districts ... [or] developed under chapter 90.48 RCW" .270(17)
10. "Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended" .280
11. "Records that are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts" .290
12. "Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, that discloses or could be used to disclose the identity of a library user" .310
13. "Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW" .320(1)
14. "[A]ny records or documents obtained by a state college, university, library, or archive through or concerning any gift ... the terms of which restrict or regulate public access to those records or documents" .320(4)

15. "The annual declaration of intent filed by parents ... for a child to receive home-based instruction" .320(5)
16. "[R]ecords of any person who belongs to a public utility district or a municipally owned electrical utility" .335
17. "Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340" .360(1)(e)
18. "Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1)" .360(1)(f)
19. "All documents, including completed forms, received pursuant to a wellness program under RCW 41.04.362" .360(1)U)
20. "Client records maintained by an agency that is a domestic violence program ... or a community sexual assault program or services for underserved populations" .370
21. "Production or sales records required to determine assessment levels and actual assessment payments to commodity boards and commissions ... or required by the department of agriculture" .380(3)
22. "Financial statements obtained under RCW 16.65.030(1)(d) for the purposes of determining whether or not the applicant meets the minimum net worth requirements to construct or operate a public livestock market" .380(8)
23. "Records of international livestock importation that can be identified to a particular animal, business, or individual received from the United States department of homeland security or the United States department of agriculture that are not disclosable by the federal agency under federal law including 5 U.S.C. Sec. 552" .380(11)
24. "Records related to the entry of prohibited agricultural products imported into Washington state or that had Washington state as a final destination received from the United States department of homeland security or the United States department of agriculture that are not disclosable by the federal agency under federal law including 5 U.S.C. Sec. 552" .380(12)
25. "Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board" .400(1)
26. "Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080" .400(13)
27. "Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes" .410

28. "Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents" .440(1)
29. "Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records ... if the veteran has recorded a 'request for exemption from public disclosure of discharge papers' with the county auditor" .440(2)
30. "Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002" .440(3)
31. "All records obtained and all reports produced as required by state fireworks law, chapter 70.77 RCW" .460
32. "Records of mediation communications that are privileged under chapter 7.07 RCW" .600

c. Categorical-Hybrid Exemptions (both records and information exempted categorically)

1. "Financial and commercial information and records supplied by private persons pertaining to export services ... and by persons pertaining to export projects" .270(3)
2. "Financial and commercial information and records supplied ... during application for loans or program services ... or during application for economic development loans or program services" .270(4)
3. "Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085" .270(16)
4. "The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service" .330(3)
5. "Information and documents created specifically for, and collected and maintained by a quality improvement committee ... or by a peer review committee ... or by a quality assurance committee ... or by a hospital ... for reporting of health care associated infections[,] ... a notification of an incident[,] ... and reports regarding adverse events" .360(1)(c)
6. "Documents related to infant mortality reviews conducted pursuant to RCW 70.05.170 are exempt from disclosure as provided for in RCW 70.05.170(3) [exempting certain records and information]" .360(3)(a)

7. "Financial and commercial information and records supplied by persons (a) to the department of agriculture for the purpose of conducting a referendum for the potential establishment of a commodity board or commission; or (b) to the department of agriculture or commodity boards or commissions ... with respect to domestic or export marketing activities or individual producer's production information" .380(5)
8. "Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.1 00" .400(6)
9. "Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065" .400(8)
10. "Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060" .400(11)
11. "Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060" .400(12)
12. "Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140" .400(14)
13. "Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595" .400(15)
14. "Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii)" .400(16)
15. "Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court" .400(17)
16. "Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151" .400(18)
17. "Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 201 0" .400(19)
18. "Data, information, and documents, other than those described in RCW 48.02.210(2), that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 and 48.02.210" .400(21)
19. "Documents, materials, and information obtained by the insurance commissioner under RCW 48.05.385(2)" .403
20. "All records, documents, data, and other materials obtained under the requirements of RCW 72.09.115 from an existing

correctional industries class I work program participant or an applicant for a proposed new or expanded class I correctional industries work program" .470

II. CONDITIONAL EXEMPTIONS

a. *Conditional-Information Exemptions* (certain types of information exempted insofar as identified privacy/governmental interests are implicated)

1. "Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy" .230(3)
2. "Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to the other persons would ... violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer" .230(4)(b)
3. "Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies ... if disclosure would endanger any person's life, physical safety, or property" .240(2)
4. "Valuable formulae, designs, drawings, [code], and research data obtained by any agency within five years ... when disclosure would produce private gain and public loss" .270(1)
5. "Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information" .270(6)
6. "Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information" .270(14)
7. "Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information" .270(18)

8. "Financial and commercial information submitted to or obtained by the University of Washington ... when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information" .270(20)
9. "Financial, commercial, operations, and technical and research information and data submitted to or obtained by innovate Washington in applications for, or delivery of, grants and loans under chapter 43.333 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information" .270(21)
10. "Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31 C.020 through 48.31 C.050 and 48.31 C.070" .400(9)
11. "Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety" .420(1)
12. "Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, or secure facility for persons civilly confined... the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility, secure facility for persons civilly confined ... or any individual's safety" .420(2)
13. "Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data" .430(1)
14. "[L]ocation data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met: (i) The species has a known commercial or black market value; (ii) There is a history of malicious take of that species and the species behavior or ecology renders it especially vulnerable; (iii) There is a known demand to visit, take, or disturb the species; or

(iv) The species has an extremely limited distribution and concentration" .430(2)(c)

b. *Conditional-Record Exemptions* (certain types of records exempted insofar as identified privacy/governmental interests are implicated)

1. "Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that [would result in private loss, including an unfair competitive disadvantage, if disclosed]" .330(1)

c. *Conditional-Hybrid Exemptions* (both records and information exempted insofar as identified privacy/governmental interests are implicated)

1. "Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy" .240(1)

III. AMBIGUOUS EXEMPTIONS (arguably categorical or conditional)

1. "Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites" .300(1)

2. "Records, maps, and other information, acquired during watershed analysis ... under RCW 76.09.370, that identify the location of archaeological sites, historic sites, artifacts, or the sites of traditional religious, ceremonial, or social uses and activities of affected Indian tribes, are exempt from disclosure under this chapter in order to prevent the looting or depredation of such sites" .300(2)

3. "Information compiled by school districts or schools in the development of their comprehensive safe school plans under RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school" .420(3)

4. "Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities" .420(4)