

STATE OF WASHINGTON 2021 ANNUAL REPORT

PUBLIC RECORDS EXEMPTIONS ACCOUNTABILITY COMMITTEE “SUNSHINE COMMITTEE”

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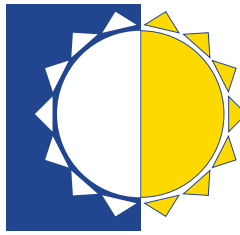
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PUBLIC RECORDS EXEMPTIONS ACCOUNTABILITY COMMITTEE

“SUNSHINE COMMITTEE”

November 15, 2021

SUMMARY

The Public Records Exemptions Accountability Committee (Sunshine Committee) met quarterly in 2021 to review and discuss the following exemptions:

Archaeological Records

RCW 27.53.070 - Communication on location of archaeological sites

Children’s Records

RCW 72.05.130(1) - Reports regarding children with behavioral problems

Criminal Proceedings and Information

RCW 10.27.160 - Grand jury reports

RCW 10.77.210 - Records of persons committed for criminal insanity

RCW 43.43.710 - WSP records relating to commission of crime

RCW 43.43.856 - WSP organized crime investigative information

Educational Information

RCW 42.56.320(4) - Gifts to educational entities where terms of gift restrict access

Employment and Licensing Records

RCW 42.56.250(1) - Licensing, employment, and academic tests and scoring keys

Family Court Proceedings

RCW 26.12.080 - Superior Court order to close family court files

Financial, Commercial, and Proprietary Information and Charitable Trusts

RCW 11.110.075 - Instrument creating a trust for charitable and non-charitable purposes

RCW 21.20.480 - Securities Act investigations

RCW 24.03.435 - Secretary of State interrogatories to nonprofits


RCW 24.06.480 - Secretary of State interrogatories to nonprofits

RCW 43.21A.160 - Production processes information provided to DOE

RCW 43.41.100 - Office of Financial Management reports to Governor

RCW 70A.15.2510 (formerly RCW 70.94.205) - DOE Air quality information

RCW 78.52.260 - Information regarding “wildcat” or “exploratory” oil wells



RCW 82.32.330(2) - Financial information provided to DOR

RCW 84.40.340 - UTC records deemed confidential by court

Health Care

RCW 18.32.040 - Dental licensing examination records

RCW 18.46.090 - Maternity home information

RCW 18.53.200 - Optometrist's information and records

RCW 70.28.020 - Tuberculosis records

RCW 70.41.150 - Information regarding hospitals not warranting investigation received by DOH

Insurance Information

RCW 48.32.110 - Request for examination of insurer's financial condition

Labor and Industries Records

RCW 7.68.140 - L&I information regarding crime victims

RCW 49.17.260 - L&I investigations of serious/fatal workplace injuries

Motor Vehicles and Transportation

RCW 46.20.041 - Medical information regarding disabled person's ability to drive

RCW 46.52.065 - Blood sample analyses done by State Toxicologist where driver or pedestrian was killed

RCW 46.52.080 - Information in police accident reports

RCW 46.52.083 - Information in police accident reports

RCW 46.52.120 - Individual motor vehicle driver records

RCW 46.70.042 - Applications for motor vehicle licenses

Preliminary Records Containing Opinions

RCW 42.56.280 - Preliminary records with opinions or recommended policy

Public Assistance Records

RCW 74.04.060 - Records pertaining to persons receiving public assistance

RCW 74.04.062 - Authorizes release of certain records to law enforcement

RCW 74.04.520 - Records pertaining to persons receiving food stamps

RCW 74.20.280 - Records concerning parents of dependent children

Wolf Depredation Exemptions

RCW 42.56.141 - Sunshine Committee to submit report on wolf depredation exemptions

RCW 42.56.430(3) - Wolf depredation exemption

RCW 42.56.430(4) - Wolf depredation exemption

RCW 77.12.885 - Predatory wolf interactions



HISTORY OF THE COMMITTEE

The Committee was created by Substitute House Bill 5435 in 2007 (codified in RCW 42.56.140). The bill established the Committee to review all public disclosure exemptions, and make recommendations to the Legislature as to whether each exemption should be continued without modification, modified, scheduled for sunset review at a future date, or terminated. The Legislature stated that in light of the changing nature of information technology, record-keeping and the increasing number of public disclosure exemptions, periodic review of public disclosure exemptions is needed to determine if exemptions continue to serve the public interest.

Further information about the Committee and its work is available to the public on the Internet at <https://www.atg.wa.gov/sunshine-committee>. The Committee posts its agenda for each meeting on the website, and when available, the video of the meeting is also posted. In addition, the website invites citizens to join a listserv, so they may receive notification when new material is posted.

TVW, the state's public affairs television broadcaster, has filmed or recorded most of the meetings, and the website for the Committee contains links to the TVW website or the recording so the public can view previous meetings.

As required by the Legislature, the Committee has adopted and published criteria for reviewing exemptions. A copy of the Committee's criteria is available on the Committee website.

The Committee receives an updated list of exemptions from the Office of the Code Reviser each year in August. A Schedule of Review is used by the Committee to organize its review activity. This schedule currently contains over 600 items and is posted on the Committee's website.

The Committee recognizes the importance of public comment and will continue to provide notice to the citizenry of the Committee's meeting agendas in order to encourage citizen participation and comment. The Committee receives staff assistance from the Attorney General's Office, as directed by the legislation establishing the Committee.

The Legislature called for an annual report of the Committee's recommendations. This is the fourteenth annual report and summarizes the Committee's work since the November 2020 report was submitted.



MEMBERS OF THE COMMITTEE

The members are appointed to the Committee by the Governor, Legislature, Attorney General and State Auditor. The following individuals served on the Committee in 2021:

- Linda Krese, Chair, Former Snohomish County Superior Court Judge
- Lynn Kessler, Vice Chair, Former State Representative
- Kathy George, Attorney, Johnston George LLP
- Representative Jenny Graham (R)
- Hon. Pete Holmes, Seattle City Attorney
- Senator Sam Hunt (D)
- Representative Larry Springer (D)
- Jennifer Steele, Assistant Attorney General
- Jaime Stephens, San Juan County Councilmember
- Rowland Thompson, Executive Director, Allied Daily Newspapers of Washington
- Senator Jeff Wilson (R)
- Taylor "Tip" Wonhoff, Counsel to the Governor
- David Zeeck, Former Publisher, Tacoma News Tribune

COMMITTEE PRACTICE AND PROCEDURE - 2021

The Committee held four meetings in 2021 on February 23rd, May 18th, August 17th, and October 19th. All meetings in 2021 were held remotely because of COVID-19 guidelines. The public was provided with remote access to the meetings. The Committee also provided an opportunity for public comment at each meeting and received some public comments through its website. In addition, the Committee received testimony and documentary input from public agency representatives and interested stakeholders and other parties. Members of the Committee also provided written memoranda for consideration by the other members. As a result, there was a considerable amount of material for the members to review in advance of each meeting.

The review process resulted in the recommendations set forth below. These recommendations are intended to improve statutory clarity in some instances and to protect both important privacy interests and appropriate public access to information.


Approved minutes of each meeting as well as video and/or audio recordings of the meetings are available on the Committee's website: www.atg.wa.gov/sunshine-committee.

COMMITTEE RECOMMENDATIONS:

The Committee Recommends Retaining The Following Exemptions Without Modification:

RCW 7.68.140 - Provides confidentiality for information submitted by crime victims to receive benefits from the Department of Labor and Industries (L&I) under the Crime Victim Compensation Act. The Committee voted unanimously to recommend retaining this exemption.

RCW 10.77.210 - Limits who may receive access to medical records regarding a person involuntarily committed upon a finding that the person was criminally insane. The Committee unanimously voted to recommend retaining this exemption.



RCW 11.110.075 - Provides confidentiality for non-charitable purposes of a private trust. The Committee voted unanimously to recommend retaining this exemption.

RCW 42.56.280 - This exemption was enacted as part of the original Public Records Act passed by voter initiative in 1972. It provides an exemption for “preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated.” The Committee voted unanimously to recommend retaining this exemption.

RCW 43.21A.160 - Grants the Department of Ecology (DOE) discretion to designate business records as confidential upon application by owners. This exemption was enacted in 1970, prior to the adoption of the Public Disclosure Act, and is used infrequently, as such applications are made to the Director of Ecology ten or fewer times per year. The DOE has indicated that it would like this exemption retained at this time, in order to track data for the next year and report back to the Sunshine Committee in February 2022. The Sunshine Committee voted unanimously to recommend retaining RCW 43.2A1.160 at this time. The Committee will review this exemption further in 2022.

RCW 43.43.710 - Provides confidentiality for certain criminal history records held by the Criminal History Section of the Washington State Patrol (WSP). On a split vote (6-2), the Committee voted to recommend retaining this exemption as is.


RCW 43.43.856 - Provides confidentiality for investigative information related to organized crime and makes it a Class B felony to violate its provisions. The Committee voted unanimously to recommend retaining this exemption.

RCW 46.20.041 - Authorizes the Department of Licensing to require drivers with suspected disabilities to provide physician statements attesting their ability to safely drive a vehicle. In 1979, a disclosure exemption for these statements was added. The Committee voted unanimously to recommend retaining this exemption.

RCW 48.32.110(2) - Provides that a request for examination of an insurer that may be in a financial condition hazardous to policyholders or the public “shall not be open to public inspection prior to the release of the examination report to the public.” A representative of the Office of the Insurance Commission (OIC) explained that it is important to keep information about a request for examination confidential as premature release of this information could lead to policyholders responding in such a manner that a company not already in a hazardous condition could end up in such a position. The Committee was also informed by OIC that there has not been a request for examination in many years, so there has not been a recent need to utilize this exemption. The Committee on a split vote with seven members approving and one member abstaining recommends retaining this exemption.

RCW 70.28.020 - Protects medical information of individuals suffering from tuberculosis from public disclosure of that information. The Committee voted unanimously to recommend retaining this exemption.

RCW 70.41.150(1) and (4) - Deals with information regarding hospitals received by the Department of Health (DOH). Section (1) includes an exemption from disclosure for complaints that do not rise to the level of justifying an investigation. The DOH indicated this applies to very few complaints because DOH does at least a preliminary investigation unless it is apparent on its face that the complaint does not have merit. Section (4) provides that information disclosed pursuant to this section



shall not include individual names. This section serves to protect patient names and the identity of complainants. The Committee voted unanimously to recommend retaining these exemptions.

RCW 70A.15.2510 (formerly RCW 70.94.205) - Provides confidentiality for certain records and information obtained by the DOE or a board of air quality control which “relate to processes or production unique to the owner or operator, or is likely to affect adversely the competitive position of such owner or operator if released to the public or a competitor, and the owner or operator . . . so certifies.” The Committee voted unanimously to recommend retaining this exemption.

RCW 74.04.060 - Restricts disclosure of information contained in public assistance records except under specified circumstances. The Department of Social and Health Services (DSHS) indicates this exemption is used to protect the private information of clients seeking or receiving public assistance. This is consistent with the stated purpose set forth in the statute. The Committee voted unanimously to recommend retaining this exemption.

RCW 74.04.520 - Extends the protections from disclosure of RCW 74.04.060 to food stamp applicants and recipients. The Committee voted unanimously to recommend retaining this exemption.


RCW 74.20.280 - Authorizes DSHS to create a central information unit to respond to interstate inquiries concerning the parents of dependent children. The statute provides that these records may only be made available to the Washington State Attorney General, prosecuting attorneys, courts, and other authorized agencies for use consistent with official support enforcement issues and child custody statutes and regulations. The Committee voted unanimously to recommend retaining this exemption.

RCW 78.52.260 - Protects information provided to the Department of Natural Resources regarding “wildcat” or “exploratory” well drilling from disclosure for one year from the date of filing if the owner, operator, or lessee requests. The Committee voted unanimously to recommend retaining this exemption.

RCW 82.32.330(2) - Provides confidentiality for certain commercial and proprietary information that businesses are required to provide to the Department of Revenue (DOR) for tax purposes. After considering citizen input as well as comments from the DOR, the Committee on a split vote (7-1) recommends retaining this exemption.

The Committee Recommends Modification Of The Following Statutes:

RCW 10.27.160 - This statute authorizes a grand jury to prepare a report containing its conclusions, recommendations, and suggestions. The report is to be released to the public only upon a determination by a majority of the judges of the county superior court. The report may be released to the public only if “(1) the findings in the report deal with matters of broad public policy affecting the public interest and do not identify or criticize any individual; (2) release of the report would be consistent with the public interest and further the ends of justice; and (3) release of the report would not prejudice any pending criminal investigation or trial.” The Committee felt that the requirement that the report “not identify or criticize any



individual” made little sense in that almost any grand jury investigation would likely identify and, possibly, criticize individuals. Further that the other requirements adequately protect criminal proceedings and ensure that the matters are of public interest. Therefore, the Committee voted unanimously, with one abstention, to recommend modifying the statute to remove the language “and do not identify or criticize any individual.” See Exhibit A for the proposed amendment.

RCW 27.53.070 - Provides an exemption for information regarding the location of archaeological sites or resources. The Committee voted unanimously to recommend modifying this exemption for the sole purpose of clarifying the language of the exemption. The Committee’s intention in doing so was not to reduce or change the protection from disclosure of this information. The Committee recognizes the importance of protecting archaeological sites from looting and depredation as set forth in RCW 42.56.300(1). See Exhibit B for the language of the proposed amendment.


RCW 46.52.065 - This statute requires the State Toxicologist to test blood samples taken from all drivers and pedestrians killed in traffic accidents where the death occurs within four hours of the accident. The statute also provides that the reports and records relating to analysis shall be reported to the WSP and made available to prosecuting attorneys and law enforcement. The results may be “admitted in evidence in any civil or criminal proceeding where relevant” and made available to the parties upon application to the court. After receiving input from the WSP, the Washington Defenders Association, and the Washington Association of Prosecuting Attorneys, the Committee on a split vote (7-1) recommends terminating this exemption by removing the term “confidential” and making the reports and records available to all parties to litigation where relevant. See Exhibit C for the amendments approved by the Committee.

RCW 46.52.080 - Provides for confidentiality of motor vehicle accident reports. The Committee voted unanimously to recommend modification of this exemption by adding language that would allow disclosure of accident reports upon redaction of identifying information. See Exhibit D for the additional language approved by the Committee.

RCW 46.52.120 - Relates to records regarding motor vehicle accidents that the Department of Licensing (DOL) is required to maintain. Section (2) of the statute provides that such records shall be for the “confidential” use of the director, law enforcement officers and the traffic safety commission. On a split vote with five members approving and four abstaining, the committee voted to recommend modifying the statute by removing the word “confidential.” See Exhibit E for the recommended amendment.

The Committee Recommends Terminating The Following Exemptions:

RCW 18.46.090 - Establishes an exemption for information obtained by DOH regarding birthing centers. According to the DOH, such centers no longer exist, and this exemption is not needed. The Committee voted unanimously to recommend terminating this exemption by repealing the entire statute.



RCW 21.20.480 - Investigative records regarding financial institutions. Input from the Division of Securities, Department of Financial Institutions, indicated the exemption contained in this statute was no longer necessary as they utilize the provisions of RCW 42.56.240(1) when dealing with requests for investigative records. In addition, most investigations of financial institutions are now handled at the federal level. The Committee voted unanimously to recommend repeal of the second sentence of the statute which restricts public disclosure of the fact that an investigation is being conducted under Chapter 21.20 RCW. See Exhibit F for the exact language of the recommended repeal.

RCW 24.03.435 and RCW 24.06.480 - Provide confidentiality for answers to interrogatories propounded to nonprofit corporations by the Secretary of State. After consulting with then Secretary of State Kim Wyman, it was determined that office no longer uses the procedures for issuing interrogatories to nonprofit companies set out in these statutes and, therefore, repeal of these two statutes is appropriate. The Committee voted unanimously to recommend terminating RCW 24.03.435 and RCW 24.06.480.


RCW 26.12.080 - Grants authority to courts to order closure of family court files when the court determines that publication would be “contrary to public policy or injurious to the interests of children or to public morals.” This statute is inconsistent with Washington Court rule GR 15 regarding sealing of court files and applicable case law. A court has authority to seal court files pursuant to GR 15 and case law but only to the extent necessary to protect privacy interests and only after a hearing in which the court determines that the privacy interests outweigh the public interest. The Committee voted unanimously to recommend repeal of this statute.

RCW 43.41.100 - Relates to records provided to the Governor’s Office by the Office of Financial Management. Both offices have indicated they have no objection to ending the exemption provided by this statute. Therefore, the Committee voted unanimously to recommend repeal of the exemption in RCW 43.41.100. See Exhibit G for the language to be repealed.

RCW 72.05.130(1) - Requires DSHS and the Department of Children, Youth, and Families to compile certain statistical information about children who are committed to institutions. Section (1) of the statute provides that this statistical information (which does not include identifying information for any child) shall not be disclosed except to the governor and superior court judges. This same statistical information is compiled pursuant to other statutes which require these agencies to do so and is routinely made available to the public. The agencies see no reason to retain this exemption. The Committee voted unanimously to recommend repeal of that portion of RCW 72.05.130(1) that restricts public disclosure. See Exhibit H for the exact language that the Committee recommends be repealed.

The Committee Takes No Position With Regard To These Statutes:

The Committee unanimously concluded some statutory exemptions on the Code Reviser’s Schedule of Review are not exemptions and for that reason declined to take a position as to whether they should be retained without modification, modified, scheduled for sunset review at a future date, or terminated. These statutes are:



RCW 46.52.083 - Provides for disclosure of factual data and witness statements to interested parties named in RCW 46.52.080.

RCW 74.04.062 - Authorizes disclosure of information to police officers and immigration officials under specified circumstances.

Exemptions Considered By The Committee But Set Over To 2022 For Further Review:

RCW 18.32.040 - Establishes the requirements for licensing dentists and sets forth conditions under which an applicant can inspect the applicant's examination papers and records. The Committee raised issues as to whether this is actually an exemption or if the information is exempted from disclosure under 42.56 RCW. The Committee set this over for further review in 2022.

RCW 18.53.200 - Establishes that optometrist patient information and records are privileged communications. The Committee set this over for further review in 2022.

RCW 42.56.250(1) - Provides that "test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination" are exempt from public disclosure. The Committee set this matter over for further review in 2022.

RCW 49.17.260 - Provides that L&I investigative reports regarding catastrophes, serious injuries and fatalities are "confidential and only available upon order of the superior court after notice to the director and an opportunity for hearing." The statute provides that the report shall be made available without court order to certain parties. The Committee decided that it needed more information before making a recommendation as to this exemption and set the matter over for further review in 2022.

RCW 84.40.340 - Provides for confidentiality of information or facts obtained by a county assessor regarding personal and real property for purposes of determining the amount and value of such property. The information or facts obtained are to be used solely for determining the assessed value of the taxpayer's property. The statute includes criminal penalties for disclosure by the assessor or DOR other than to specified public officers for purposes related to valuation and imposition of applicable taxes. Committee members raised questions about the necessity for criminal penalties and discussed that these penalties also applied to certain other confidentiality provisions, most of which appear to predate the enactment of the Public Records Act. The Committee decided to look further into this issue and, therefore, decided to set this exemption over for further review in 2022.

RCW 42.56.320 - Provides that an exemption for records or documents obtained by an educational institution, library or archive "through or concerning any gift, grant, conveyance, bequest, or devise, the terms of which restrict or regulate public access to those records or documents." Committee members engaged in a discussion of the public interest in knowing the source of gifts to public institutions balanced against the interest of some donors in remaining anonymous or having the terms of their gift remain confidential. As a result of this discussion, the Committee determined it needed additional information and set this exemption over to 2022 for further review.

Wolf Depredation Exemptions:

Pursuant to RCW 42.56.141, the Committee's recommendations regarding the exemptions established by RCW 42.56.430(3) and (4) will be the subject of a separate report to the Legislature which the Committee is required to submit by December 1, 2021. These exemptions are referenced in RCW 77.12.885, therefore, the Committee's report will address that statute as well.

CONCLUSION

The Committee plans to meet four times in 2022. All meetings in 2021 have been held remotely with the public allowed access to view and to make comments through GoToWebinar. In 2022, the Committee has scheduled in person meetings to be held in the John Cherberg Building on the Capitol Campus in Olympia, Washington beginning on March 22, 2022, at 9 a.m. Meetings are also scheduled for 9 a.m. on May 24th, August 23rd, and October 18th.

The Committee intends to continue reviewing exemptions from public disclosure based on the age of the exemption and the lack of previous review. In addition, the Committee will be reviewing the exemption regarding explosives (RCW 42.56.460(2)). RCW 42.56.655 requires the Committee to file a report by December 1, 2023, with recommendations as to whether the exemption regarding explosives should be continued, modified, or terminated.

Finally, the Committee hopes to work closely with the Legislature in the 2022 Session to discuss the Committee's recommendations and to facilitate implementation of the recommendations to the extent the Legislature concurs.

Respectfully submitted,



Linda C. Krese

Chair

November 15, 2021

RCW 10.27.160**Grand jury report.**

The grand jury may prepare its conclusions, recommendations and suggestions in the form of a grand jury report. Such report shall be released to the public only upon a determination by a majority of the judges of the superior court of the county court that (1) the findings in the report deal with matters of broad public policy affecting the public interest ~~and do not identify or criticize any individual~~; (2) the release of the report would be consistent with the public interest and further the ends of justice; and (3) release of the report would not prejudice any pending criminal investigation or trial.

RCW 27.53.070**Field investigations—Communication of site or resource location to department.**

(1) It is the declared intention of the legislature that field investigations on privately owned lands should be conducted by professional archaeologists in accordance with both the provisions and spirit of this chapter. Persons having knowledge of the location of archaeological sites or resources are encouraged to communicate such information to the department. Such information shall ~~not constitute a public record which requires be exempt from~~ disclosure pursuant to the exception authorized in ~~chapter RCW 42.56.300 RCW~~ to avoid site depredation.

(2) Nothing in this chapter shall be interpreted to allow trespassing on private property.

RCW 46.52.065**Blood samples to state toxicologist—Analysis—Availability, admissibility of reports.**

Every coroner or other official performing like functions shall submit to the state toxicologist a blood sample taken from all drivers and all pedestrians who are killed in any traffic accident where the death occurred within four hours after the accident. Blood samples shall be taken and submitted in the manner prescribed by the state toxicologist. The state toxicologist shall analyze these blood samples to determine the concentration of alcohol and, where feasible, the presence of drugs or other toxic substances. The reports and records of the state toxicologist relating to analyses made pursuant to this section shall be ~~confidential: PROVIDED, That the results of these analyses shall be~~ reported to the state patrol and made available to the prosecuting attorney or law enforcement agency having jurisdiction: ~~PROVIDED FURTHER, That I~~ the results of these analyses may be admitted in evidence in any civil or criminal action where relevant and shall be made available to the parties to any such litigation ~~on application to the court.~~

RCW 46.52.080**Confidentiality of reports—Information required to be disclosed—
Evidence.**

All required accident reports and supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the county prosecuting attorney and chief of police or county sheriff, as the case may be, and the director of licensing and the chief of the Washington state patrol, and other officer or commission as authorized by law, except that any such officer shall disclose the names and addresses of persons reported as involved in an accident or as witnesses thereto, the vehicle license plate numbers and descriptions of vehicles involved, and the date, time and location of an accident, to any person who may have a proper interest therein, including the driver or drivers involved, or the legal guardian thereof, the parent of a minor driver, any person injured therein, the owner of vehicles or property damaged thereby, or any authorized representative of such an interested party, or the attorney or insurer thereof. No such accident report or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above named for receiving accident reports shall furnish, upon demand of any person who has, or who claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the chief of the Washington state patrol solely to prove a compliance or a failure to comply with the requirement that such a report be made in the manner required by law: PROVIDED, That the reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of RCW 46.52.088. PROVIDED FURTHER, That accident reports and supplemental reports may be disclosed pursuant to Chapter 42.56 RCW upon redaction of all information identifying the persons involved in the accidents, including names, address, phone numbers, email addresses, license plate numbers, driver's license numbers, vehicle identification numbers, social security numbers, and photos of such persons.

RCW 46.52.120**Case record of convictions and infractions.**

(1) The director shall keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each driver, showing all the convictions and findings of traffic infractions certified by the courts, together with an index cross-reference record of each accident reported relating to such individual with a brief statement of the cause of the accident and whether or not the accident resulted in any fatality.

(2) The records shall be for the ~~confidential~~ use of the director, the chief of the Washington state patrol, the director of the Washington traffic safety commission, and for such police officers or other cognizant public officials as may be designated by law. Such case records shall not be admitted into evidence in any court, except where relevant to the prosecution or defense of a criminal charge, or in case appeal is taken from the order of the director, suspending, revoking, canceling, or refusing a vehicle driver's license.

(3) The director shall tabulate and analyze vehicle driver's case records and suspend, revoke, cancel, or refuse a vehicle driver's license to a person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. The director shall also suspend a person's driver's license if the person fails to attend or complete a driver improvement interview or fails to abide by conditions of probation under RCW 46.20.335. Whenever the director orders the vehicle driver's license of any such person suspended, revoked, or canceled, or refuses the issuance of a vehicle driver's license, such suspension, revocation, cancellation, or refusal is final and effective unless appeal from the decision of the director is taken as provided by law.

RCW 21.20.480**Unlawful use or disclosure of filed information.**

It is unlawful for the director or any of the director's officers or employees to use for personal benefit any information which is filed with or obtained by the director and which is not made public. ~~The director or any of the director's officers or employees shall not disclose any such information or the fact that any investigation is being made except among themselves or when necessary or appropriate in a proceeding or investigation under this chapter.~~ No provision of this chapter either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the director or any of the director's officers or employees.

RCW 43.41.100

Director's powers and duties.

The director of financial management shall:

- (1) Supervise and administer the activities of the office of financial management.
- (2) Exercise all the powers and perform all the duties prescribed by law with respect to the administration of the state budget and accounting system.
- (3) Advise the governor and the legislature with respect to matters affecting program management and planning.
- (4) Make efficiency surveys of all state departments and institutions, and the administrative and business methods pursued therein, examine into the physical needs and industrial activities thereof, and make ~~confidential~~ reports to the governor, recommending necessary betterments, repairs, and the installation of improved and more economical administrative methods, and advising such action as will result in a greater measure of self-support and remedies for inefficient functioning.

The director may enter into contracts on behalf of the state to carry out the purposes of this chapter; he or she may act for the state in the initiation of or participation in any multi-governmental agency program relative to the purposes of this chapter; and he or she may accept gifts and grants, whether such grants be of federal or other funds.

RCW 72.05.130**Powers and duties of department—"Close security" institutions designated.**

The department of social and health services and the department of children, youth, and families shall establish, maintain, operate and administer a comprehensive program for the custody, care, education, treatment, instruction, guidance, control, and rehabilitation of all persons who may be committed or admitted to institutions, schools, or other facilities, placed under the control of each, except for the programs of education provided pursuant to RCW 28A.190.030 through 28A.190.050 which shall be established, operated, and administered by the school district conducting the program, and in order to accomplish these purposes, the powers and duties of the secretary of the department of social and health services and the secretary of the department of children, youth, and families for the institutions placed under the respective department shall include the following:

(1) The assembling, analyzing, tabulating, and reproduction in report form, of statistics and other data with respect to children with behavior problems in the state of Washington, including, but not limited to, the extent, kind, and causes of such behavior problems in the different areas and population centers of the state. ~~Such reports shall not be open to public inspection, but shall be open to the inspection of the governor and to the superior court judges of the state of Washington.~~

(2) The establishment and supervision of diagnostic facilities and services in connection with the custody, care, and treatment of persons with disabilities, and behavior problem children who may be committed or admitted to any of the institutions, schools, or facilities controlled and operated by the department, or who may be referred for such diagnosis and treatment by any superior court of this state. Such diagnostic services may be established in connection with, or apart from, any other state institution under the supervision and direction of the secretary of the department of social and health services or the secretary of the department of children, youth, and families. Such diagnostic services shall be available to the superior courts of the state for persons referred for such services by them prior to commitment, or admission to, any school, institution, or other facility. Such diagnostic services shall also be available to other departments of the state. When the secretary of the department of social and health services or the secretary of the department of children, youth, and families determines it necessary, the secretary of the department of social and health services or the secretary of the department of children, youth, and families may create waiting lists and set priorities for use of diagnostic services for juvenile offenders on the basis of those most severely in need.

(3) The supervision of all persons committed or admitted to any institution, school, or other facility operated by the department of social and health services or the department of children, youth, and families, and the transfer of such persons from any such institution, school, or facility to any other such school, institution, or facility: PROVIDED, That where a person has been committed to a minimum security institution, school, or facility by any of the superior courts of this state, a transfer to a close security institution shall be made only with the consent and approval of such court.

(4) The supervision of parole, discharge, or other release, and the post-institutional placement of all persons committed to Green Hill school, or such as may be assigned, paroled, or transferred therefrom to other facilities operated by the department. Green Hill school is hereby designated as a "close security" institution to which shall be given the custody of children with the most serious behavior problems.