September 6, 2017

The Honorable Robert Ferguson  
Washington State Attorney General  
PO Box 40100  
Olympia, WA 98504-0100

Dear Attorney General Ferguson:

The Department of Licensing (DOL) would like to request a formal Attorney General’s Opinion on the following question:  Are concealed pistol licenses disclosable?

Public records law (RCW 42.56.240(4)) and firearms law (RCW 9.41.129) exempt copies or records of applications for concealed pistol licenses (CPL) from disclosure. CPLs are issued by local law enforcement agencies; DOL is provided a copy of the issued CPL and does not receive the original application document. DOL has historically treated CPL copies as exempt because they display the information collected on the application and can be considered a record of application.

DOL searches for records responsive to disclosure requests. Our public disclosure office discloses the existence of the record and provides justification for not disclosing the record itself. However, this practice has been challenged. In December 2016, DOL was party to a lawsuit for failing to disclose a CPL to the person holding the license. DOL negotiated a successful settlement, but the preparation for this case raised questions about the practice of exempting the actual copy of the CPL from disclosure.

DOL is requesting formal opinion because we are uncertain whether the information on the CPL copy is exempt under RCW 9.41.129 or whether it is disclosable under RCW 42.56.

Sincerely,

Pat Kohler  
Director

cc:  Jeff DeVere, Deputy Director  
Kathleen Drew, Assistant Director for Business and Professions Division  
Tami Dohrman, Assistant Director for Administrative Services Division

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