

November 15, 2011

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Lt. Governor Brad Owen, President of the Senate
Representative Frank Chopp, Speaker, House of Representatives
Senator Craig Pridemore, Chair, Committee on Government Operations,
Tribal Relations & Elections
Representative Sam Hunt, Chair, State Government & Tribal Affairs Committee

2011 Annual Report of the Public Records Exemptions Accountability Committee

Executive Summary

The Committee met four times in calendar year 2011, and reviewed exemptions relating to applications for concealed pistol licenses, identifying information for persons who request notification from the SONAR system (release of registered sex offenders), information in the pharmaceutical tracking system for purchases of pseudophedrine, information on child victims of sexual assault, the statewide gang database, exemptions for a wide range of documents and information obtained by the Department of Labor & Industries while performing its statutory duties, information gathered by the Insurance Commissioner for purposes of gathering data for the Legislature on medical malpractice claims, information exempted from disclosure by the attorney-client privilege, and information gathered by the Department of Financial Institutions relating to its oversight of the activities of a variety of state-chartered financial institutions.

The Committee reviewed extensive amounts of materials, heard testimony from numerous persons, both in support of retaining, modifying, and recommending that exemptions be repealed, and engaged in extensive discussion among the members.

The Committee reviewed thirty-four exemptions in 2011 as listed below, in the categories of Insurance and Financial Institutions (Nos. 86-104 on the Schedule for Review (Appendix B); L&I and injured workers (Nos. 105-107 and 112-118; Appendix C); and Investigative, law enforcement and crime victims (Nos. 134-138). The Committee also continued its consideration of the exemption for records subject to the Attorney-Client Privilege. The full text of each

exemption considered is reproduced in Appendices B, and C. The Committee voted to recommend that all of the considered exemptions but three be retained without modification.

The Committee's recommendations on modifications to exemptions are contained on pages 7 and 8 of this report.

Exemptions reviewed by Committee in 2011:

- RCW 42.56.400(6) Examination Reports and information obtained by the Department of Financial Institutions from banking institutions
- RCW 21.20.855 Reports and information from Department of Financial Services Examinations
- RCW 30.04.075(1), Examination reports and information—confidentiality—Disclosure—penalty (Banks and trust companies)
- RCW 30.04.230(4)(a), Authority of corporation or association to acquire stock of bank, trust company, or national banking association
- RCW 31.12.565(1) Examination reports and information obtained by the director of financial institutions while examining credit unions
- RCW 32.04.220(1), Examination reports and information –Confidential –Privileged—Penalty (Mutual Savings banks); Reports/information obtained from Savings banks
- RCW 33.04.110(1) Examination reports and information—Confidential and privileged—Exceptions, limitations and procedure—Penalty (Savings and loan reports)
- RCW 32.32.228(3) Findings disapproving conversion from mutual savings bank to capital stock savings bank
- RCW 32.32.275 Information applicants deem confidential relating to conversion from mutual savings bank to capital stock savings bank
- RCW 7.88.020 Financial institution compliance review documents
- RCW 9A.82.170 Information obtained from a financial institution's records pursuant to subpoena under the Criminal Profiteering Act
- RCW 21.30.855 Reports and information from Department of Financial Services examinations
- RCW 30.04.410(3) Findings related to disapprovals of bank acquisitions
- RCW 33.24.360(1)(d), Name of lender financing the acquisition of a savings and loan, if requested by the applicant
- RCW 42.56.450, Personal information on check cashers and sellers licensing applications and small loan endorsements
- RCW 31.35.070, Reports on examinations of agricultural lenders
- RCW 31.45.030(3), Addresses and phone numbers and trade secrets of applicants of a check casher or seller license
- RCW 31.45.077(2), Addresses, phone numbers and trade secrets of applicants for a small loan endorsement to a check cashers or sellers license
- RCW 31.45.090, Trade secrets supplied by licensed check cashers and sellers as part of the annual report to Director of Financial Institutions
- RCW 51.16.070(2), Information in employer's records obtained by L&I under Industrial Insurance

- RCW 51.28.070, Information and records of injured workers contained in industrial insurance claim files
- RCW 51.36.110(1), Information (including patients' confidential information) obtained in audits of health care providers under Industrial Insurance
- RCW 49.17.080(1), Name of employee of company seeking hearing on employer's request for variance from safety and health standards
- RCW 49.17.200, Trade secrets reported to L&I under Wash. Industrial Safety & Health Act
- RCW 49.17.210, Identification of employer or employee in L&I studies
- RCW 49.17.250(3), Info obtained by L&I from employer-requested consultation re. Industrial Safety & Health Act
- RCW 49.17.260, L&I investigative reports on industrial catastrophes
- RCW 51.36.120, Financial or valuable trade info from health care providers, if request
- RCW 42.56.400(1), Board of Industrial Insurance records pertaining to appeals of crime victims' compensation claims
- RCW 42.56.240(4), applications for concealed pistol licenses;
- RCW 42.56.240(5), Information regarding child victims of sexual assault
- RCW 42.56.240(6), statewide gang database
- RCW 42.56.240(7), statewide electronic tracking system for sales of ephedrine, pseudoephedrine, etc.
- RCW 42.56.240(8), exempting personal identifying info from disclosure when submitted for notification about registered sex offenders (SONAR system);
- RCW 42.56.400(10), Medical malpractice closed claim reporting; data required to be filed with the Office of the Insurance Commissioner under RCW 48.140.020, 48.140.030, 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 collection of claims.

Background of Committee

The Public Records Exemptions Accountability Committee – or “Sunshine 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 a recommendation 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, recordkeeping, and the increasing number of public disclosure exemptions, periodic reviews of public disclosure exemptions are needed to determine if exemptions continue to serve the public interest.

The Legislature called for an annual report on the Committee's recommendations. This is the fifth report, and summarizes the Committee's work since the November, 2010 report was submitted.

Committee Members

The members are appointed to the Committee by the Governor, Legislature, Attorney General, and State Auditor. A full roster of the Committee members, who appointed each member, and the term of their appointment, is attached as Appendix A.

The following individuals served on the Committee in 2011:

Chair, Michael E. Schwab (Appointed April 1, 2011)
Senator Adam Kline
Senator Pam Roach
Former State Representative Lynn Kessler
Representative Jay Rodne
Representative Larry Springer
Timothy D. Ford, Assistant Attorney General
Frank Garred, retired newspaper publisher
Roselyn Marcus, Director of Legal Affairs, Office of Financial Management
Ramsey Ramerman, Assistant City Attorney, City of Everett
Rowland Thompson, Executive Director, Allied Daily Newspapers of Washington
David Zeeck, Executive Director, The News Tribune
Peter Holmes, Seattle City Attorney

The Committee held five meetings in 2011, in March, May, August, September and November.

Information about the Committee and its work is available to the public on the internet at www.atg.wa.gov/opengovernment/sunshine.aspx. The Committee posts its agenda for the next meeting on the website, and when available, the audio or video recording of the meeting is also posted. In addition, the website invites citizens to join a listserve so that they will receive a notification when new material is posted on the website.

TVW, the state's public affairs television broadcaster, has filmed or recorded most of the meetings, and the website contains links to the TVW website or the audio recording so that the public can review previous meetings. When TVW has not been able to record the meetings, audio recordings are made, and posted on the committee website.

As required by the legislation, 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 adopted a schedule for reviewing exemptions in 2007 containing 106 items, the majority of which have been considered by the Committee. The Committee receives an updated list of exemptions from the Office of the Code Reviser each year, in August. The current schedule, totaling 140 items, is posted on the Committee's website and also attached as Appendix D.

The Committee recognizes the importance of public comment, and will continue its efforts to provide notice to the citizenry of the Committee's meeting agenda in order to encourage citizen

participation and comment. The Committee receives staff assistance from the Attorney General's Office and the Office of Financial Management, as directed by the legislation establishing the Committee.

The Committee considered numerous exemptions and questions relating to the Public Records Act in 2011. The Committee reviewed the legislative history of these exemptions to determine the original intent behind these exemptions. The Committee also took public comment on these exemptions.

**THE COMMITTEE MAKES THE FOLLOWING RECOMMENDATIONS,
BASED ON ITS ACTIONS IN 2011:**

The Committee voted to retain the following exemptions without modification:

RCW 42.56.240(4), applications for concealed pistol licenses (unanimous)

RCW 42.56.240(8), exempting personal identifying info from disclosure when submitted for notification about registered sex offenders (SONAR system) (unanimous)

RCW 42.56.240(7), statewide electronic tracking system for sales of ephedrine, pseudoephedrine, etc/ (unanimous)

RCW 42.56.400(6) Examination Reports and information obtained by the Department of Financial Institutions from banking institutions (a proposal by Frank Garred to modify this exemption was defeated by a vote of 2 in favor, 7 opposed).

RCW 30.04.230(4), Authority of corporation or association to acquire stock of bank, trust company, or national banking association (a proposal by Frank Garred to modify this exemption was defeated by a vote of 2 in favor, 7 opposed).

RCW 21.20.855 Reports and information from Department of Financial Services Examinations (7 in favor, 3 opposed).

RCW 30.04.075(1), Examination reports and information—confidentiality—Disclosure—penalty (Banks and trust companies) (7 in favor, 3 opposed).

RCW 31.12.565(1) Examination reports and information obtained by the director of financial institutions while examining credit unions (7 in favor, 3 opposed).

RCW 32.04.220(1), Examination reports and information –Confidential –Privileged—Penalty (Mutual Savings banks); Reports/information obtained from Savings banks (7 in favor, 3 opposed).

RCW 33.04.110(1) Examination reports and information—Confidential and privileged—Exceptions, limitations and procedure—Penalty (Savings and loan reports) (7 in favor, 3 opposed).

RCW 32.32.228(3) Findings disapproving conversion from mutual savings bank to capital stock savings bank (7 in favor, 3 opposed).

RCW 32.32.275 Information applicants deem confidential relating to conversion from mutual savings bank to capital stock savings bank (7 in favor, 3 opposed).

RCW 7.88.020 Financial institution compliance review documents (7 in favor, 3 opposed).

RCW 9A.82.170 Information obtained from a financial institution's records pursuant to subpoena under the Criminal Profiteering Act (7 in favor, 3 opposed).

RCW 21.30.855 Reports and information from Department of Financial Services examinations (7 in favor, 3 opposed).

RCW 30.04.410(3) Findings related to disapprovals of bank acquisitions (7 in favor, 3 opposed).

RCW 33.24.360(1)(d), Name of lender financing the acquisition of a savings and loan, if requested by the applicant (7 in favor, 3 opposed).

RCW 42.56.450, Personal information on check cashers and sellers licensing applications and small loan endorsements (7 in favor, 3 opposed).

RCW 31.35.070, Reports on examinations of agricultural lenders (7 in favor, 3 opposed).

RCW 31.45.030(3), Addresses and phone numbers and trade secrets of applicants of a check casher or seller license (7 in favor, 3 opposed).

RCW 31.45.077(2), Addresses, phone numbers and trade secrets of applicants for a small loan endorsement to a check cashers or sellers license (7 in favor, 3 opposed).

RCW 31.45.090, Trade secrets supplied by licensed check cashers and sellers as part of the annual report to Director of Financial Institutions (7 in favor, 3 opposed)

RCW 51.16.070(2), Information in employer's records obtained by L&I under Industrial Insurance (unanimous).

RCW 51.28.070, Information and records of injured workers contained in industrial insurance claim files (unanimous).

RCW 51.36.110(1), Information (including patients' confidential information) obtained in audits of health care providers under Industrial Insurance (unanimous).

RCW 49.17.080(1), Name of employee of company seeking hearing on employer's request for variance from safety and health standards (unanimous).

RCW 49.17.200, Trade secrets reported to L&I under Wash. Industrial Safety & Health Act (unanimous).

RCW 49.17.210, Identification of employer or employee in L&I studies (unanimous).

RCW 49.17.250(3), Info obtained by L&I from employer-requested consultation re. Industrial Safety & Health Act (unanimous).

RCW 49.17.260, L&I investigative reports on industrial catastrophes (unanimous).

RCW 51.36.120, Financial or valuable trade info from health care providers, if request (unanimous).

RCW 42.56.400(1), Board of Industrial Insurance records pertaining to appeals of crime victims' compensation claims (unanimous).

The Committee Recommends the Following Exemptions be Modified

RCW 42.56.240(6), Statewide gang database. This exemption exempts from disclosure the statewide gang database created by RCW 43.43.762. That statute directed the Washington State Patrol, in coordination with the Washington Association of Sheriffs and Police Chiefs to coordinate, designate and recommend the use of a statewide database accessible by law enforcement agencies as a resource on criminal street gangs. There are federal regulations for state law enforcement databases that are shared with other law enforcement agencies, and the statute puts limits and criteria on how the database is used and how it functions. Subsection (8) of RCW 43.43.762 states that "The database and all contents in the database are confidential and exempt from public disclosure under chapter 42.56 RCW."

There are local and regional gang databases that provide valuable information to local criminal justice agencies, but are not part of the statewide database. These local databases are vital public safety and investigative tools, but are not protected from disclosure by the language of the current exemption. The Committee heard testimony that several local or regional databases are maintained in accordance with federal standards, to prevent abuse or invasion of personal privacy interests, but anyone, even a gang member, could now request information from a local or regional database and may be able to obtain detailed personal information about a rival gang member. The Committee unanimously recommends this exemption be modified so that data in local and regionally maintained gang databases are also exempted from disclosure.

RCW 42.56.240(5), Child victims of sexual assault. RCW 42.56. 240(5) is part of a statute that begins: " The following investigative, law enforcement, and crime victim information is

exempt from public inspection and copying under this chapter.” Subsection (5) exempts certain information relating to a child victim of a sexual assault who are under age eighteen, but it currently lists specific identifying information about the victim that is exempt from disclosure. The State Supreme Court interpreted this statute in Koenig v. City of Des Moines, 158 Wn. 2d 173(2006) to mean that *only* the listed information is exempt from disclosure, and other identifying details about a child victim of sexual assault cannot be redacted before disclosure of requested documents. This interpretation by the court means that child victims of sexual assault may be afforded less privacy protection than is afforded to adult victims of crimes, under the PRA. The Committee recommends that the exemption be modified to state that “identifying information” includes, but is not limited to, the specific items listed in the statute (name, address, location, photograph) so that the exemption listed items that are exempt from disclosure is not an exhaustive list. For example, the documents may list an email address or phone number which would allow the victim to be easily identified. The Committee also recommend that the exemption be modified to specifically state that information that would violate the child’s right to privacy under RCW 42.56.240(1) can also be redacted. Some concern was expressed that this could lead an agency holding this information to extend the exemption too broadly. The Committee voted 6-5 at its September, 2011 meeting to approve the recommendation to modify the exemption.

The Committee recommends the following exemption be eliminated/repealed:

RCW 42.56.400(10), Medical malpractice closed claim reporting (data required to be filed with the Office of the Insurance Commissioner (OIC) under RCW 48.140.020, 48.140.030, 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 collection of claims).

This exemption was added to the laws in 2007 in its current form, as part of the state’s efforts to gather information on the scope of medical malpractice claims in the state. RCW 48.140.020, 48.140.030, and 7.70.140 require that various persons and entities report medical malpractice closed claims to the Insurance Commissioner. The statute contains definitions of “Claimant”, “Health care facility”, “Health care provider”, “Insuring entity”, and “Self-insurer”, requiring reference to those statutes for the meaning of these terms in RCW 42.56.400(1).

The Committee reviewed the statutes, and the reports prepared by the Insurance Commissioner based on the data filed with the OIC. The committee first received materials related to this exemption at its May, 2009 meeting, and reviewed the materials again in depth in August, 2010, and has discussed the exemption at each of the meetings held between August, 2010 and September, 2011. The Committee heard testimony and received information from the Office of the Insurance Commissioner at several meetings, and also received information and testimony from the Association of Public Hospital Districts. A recommendation to modify the exemption to allow release of information on claims made against public hospitals was withdrawn after receiving information from the OIC that the data it receives is not identifiable as relating to a public hospital vs. a private hospital or entity, and is not likely to include individual identifying data. The Committee also received assurance that information about settlements of claims by

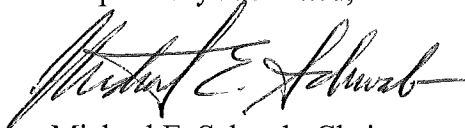
public hospitals, and information on claims made against individual health care providers is available from other sources.

At its meeting in September, 2011, the Committee voted, 6-5, that the exemption be repealed. At the November 14, 2011 special meeting, questions were raised about the lack of advance notice of this motion, and compliance with the bylaws of the Committee. The Committee will discuss this process issue at its January 24, 2012 meeting.

Looking Forward

The Committee has scheduled five meetings for 2012, and looks forward to continuing its task of reviewing exemptions from public disclosure contained in ch. 42.56 RCW and other statutes. The Committee appreciates the efforts of members of the public, staff of state agencies who apply the exemptions and stakeholders, to provide information and testimony about the history of the exemptions, and the continued need for exemptions or how they should be modified.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael E. Schwab", with a stylized flourish at the end.

Michael E. Schwab, Chair
Public Records Exemptions Accountability Committee

**PUBLIC RECORDS EXEMPTIONS ACCOUNTABILITY
COMMITTEE
(Sunshine Committee)**

Roster

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David Zeeck

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APPENDIX B, EXEMPTIONS RELATED TO DEPARTMENT OF FINANCIAL INSTITUTIONS

(Item 86 on Schedule For Review) RCW 42.56.400(6) Examination Reports and information obtained by the Department of Financial Institutions from banking institutions

(6) 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 21.20.100, **all of which is confidential and privileged information;**

Related: RCW 30.04.075 (banks); RCW 32.04.220, Examination reports and information – Confidential –Privileged—Penalty (Savings banks); RCW33.04.110 (savings and loan institutions; RCW 31.12.565 (credit unions); RCW 31.45.030(3) (check cashers and sellers); RCW 21.20.100 (securities brokers and investment advisers) (see copy of EHB 2831 for text of these statutes)

(Item 87 on Schedule for Review) RCW 21.20.855 Debenture companies – Examination reports and information –exempt from public disclosure –Use in civil actions

(1) Examination reports and information obtained by the director or the director's representatives in conducting examinations pursuant to RCW 21.20.700 shall not be subject to public disclosure under chapter 42.56 RCW.

(2) In any civil action in which the reports are sought to be discovered or used as evidence, any party may, upon notice to the director, petition the court for an in camera review of the report. The court may permit discovery and introduction of only those portions of the report which are relevant and otherwise unobtainable by the requesting party. This subsection shall not apply to an action brought or defended by the director.

[2005 c 274 § 238; 1988 c 244 § 16.]

(Item 88 on Schedule for Review) RCW 30.04.075. Examination reports and information—confidentiality—Disclosure—penalty

(1) All examination reports and all information obtained by the director and the director's staff in conducting examinations of banks, trust companies, or alien banks, and information obtained by the director and the director's staff from other state or federal bank regulatory authorities with whom the director has entered into agreements pursuant to *RCW 30.04.060(2), and information obtained by the director and the director's staff relating to examination and supervision of bank holding companies owning a bank in this state or subsidiaries of such holding companies, is confidential and privileged information and shall not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, or other entity.

(2) Subsection (1) of this section notwithstanding, the director may furnish all or any part of examination reports, work papers, supervisory agreements or directives, orders, or other information obtained in the conduct of an examination or investigation prepared by the director's office to:

(a) Federal agencies empowered to examine state banks, trust companies, or alien banks;

(b) Bank regulatory authorities with whom the director has entered into agreements pursuant to *RCW 30.04.060(2), and other bank regulatory authorities who are the primary regulatory authority or insurer of accounts for a bank holding company owning a bank, trust company, or national banking association the principal operations of which are conducted in this state or a subsidiary of such holding company; provided that the director shall first find that the reports of examination to be furnished shall receive protection from disclosure comparable to that accorded by this section;

(c) Officials empowered to investigate criminal charges subject to legal process, valid search warrant, or subpoena. If the director furnishes any examination report to officials empowered to investigate criminal charges, the director may only furnish that part of the report which is necessary and pertinent to the investigation, and the director may do this only after notifying the affected bank, trust company, or alien bank and any customer of the bank, trust company, or alien bank who is named in that part of the examination or report ordered to be furnished unless the officials requesting the report first obtain a waiver of the notice requirement from a court of competent jurisdiction for good cause;

(d) The examined bank, trust company, or alien bank, or holding company thereof;

(e) The attorney general in his or her role as legal advisor to the director;

(f) Liquidating agents of a distressed bank, trust company, or alien bank;

(g) A person or organization officially connected with the bank as officer, director, attorney, auditor, or independent attorney or independent auditor;

(h) The Washington public deposit protection commission as provided by RCW 39.58.105;

(i) Organizations insuring or guaranteeing the shares of, or deposits in, the bank or trust company; or

(j) Other persons as the director may determine necessary to protect the public interest and confidence.

(3) All examination reports, work papers, supervisory agreements or directives, orders, and other information obtained in the conduct of an examination or investigation furnished under subsections (2) and (4) of this section shall remain the property of the department of financial institutions, and be confidential and no person, agency, or authority to whom reports are furnished or any officer, director, or employee thereof shall disclose or make public any of the reports or any information contained therein except in published statistical material that does not disclose the affairs of any individual or corporation: PROVIDED, That nothing herein shall prevent the use in a criminal prosecution of reports furnished under subsection (2) of this section.

(4) The examination report made by the department of financial institutions is designed for use in the supervision of the bank, trust company, or alien bank. The report shall remain the property of the director and will be furnished to the bank, trust company, or alien bank solely for its confidential use. Under no circumstances shall the bank, trust company, or alien bank or any of its directors, officers, or employees disclose or make public in any manner the report or any portion thereof, to any person or organization not connected with the bank as officer, director, employee, attorney, auditor, or candidate for executive office with the bank. The bank may also,

after execution of an agreement not to disclose information in the report, disclose the report or relevant portions thereof to a party proposing to acquire or merge with the bank.

(5) Examination reports and information obtained by the director and the director's staff in conducting examinations, or obtained from other state and federal bank regulatory authorities with whom the director has entered into agreements pursuant to *RCW 30.04.060(2), or relating to examination and supervision of bank holding companies owning a bank, trust company, or national banking association the principal operations of which are conducted in this state or a subsidiary of such holding company, or information obtained as a result of applications or investigations pursuant to RCW 30.04.230, shall not be subject to public disclosure under chapter 42.56 RCW.

(6) In any civil action in which the reports are sought to be discovered or used as evidence, any party may, upon notice to the director, petition the court for an in camera review of the report. The court may permit discovery and introduction of only those portions of the report which are relevant and otherwise unobtainable by the requesting party. This subsection shall not apply to an action brought or defended by the director.

(7) This section shall not apply to investigation reports prepared by the director and the director's staff concerning an application for a new bank or trust company or an application for a branch of a bank, trust company, or alien bank: **PROVIDED**, That the director may adopt rules making confidential portions of the reports if in the director's opinion the public disclosure of the portions of the report would impair the ability to obtain the information which the director considers necessary to fully evaluate the application.

(8) Notwithstanding any other provision of this section or other applicable law, a bank, trust company, alien bank, or holding company is not in violation of this section on account of its compliance with required reporting to the federal securities and exchange commission, including the disclosure of any order of the director.

(9) Every person who violates any provision of this section shall be guilty of a gross misdemeanor.

(Item 89) RCW 30.04.230(4)(a) (enacted 1983, last amended 2005) RCW 30.04.230 Authority of corporation or association to acquire stock of bank, trust company, or national banking association.

(1) A corporation or association organized under the laws of this state or licensed to transact business in the state may acquire any or all shares of stock of any bank, trust company, or national banking association. Nothing in this section shall be construed to prohibit the merger, consolidation, or reorganization of a bank or trust company in accordance with this title.

(2) Unless the terms of this section or RCW 30.04.232 are complied with, an out-of-state bank holding company shall not acquire more than five percent of the shares of the voting stock or all or substantially all of the assets of a bank, trust company, or national banking association the principal operations of which are conducted within this state.

(3) As used in this section a "bank holding company" means a company that is a bank holding company as defined by the Bank Holding Company Act of 1956, as amended (12 U.S.C. Sec. 1841 et seq.). An "out-of-state bank holding company" is a bank holding company that principally conducts its operations outside this state, as measured by total deposits held or controlled by its bank subsidiaries on the date on which it became a holding company. A "domestic bank holding company" is a bank holding company that principally conducts its

operations within this state, as measured by total deposits held or controlled by its bank subsidiaries on the date on which it became a bank holding company.

(4) Any such acquisition referred to under subsection (2) of this section by an out-of-state bank holding company requires the express written approval of the director. Approval shall not be granted unless and until the following conditions are met:

(a) An out-of-state bank holding company desiring to make an acquisition referred to under subsection (2) of this section and the bank, trust company, national banking association, or domestic bank holding company parent thereof, if any, proposed to be acquired shall file an application in writing with the director. The director shall by rule establish the fee schedule to be collected from the applicant in connection with the application. The fee shall not exceed the cost of processing the application. The application shall contain such information as the director may prescribe by rule as necessary or appropriate for the purpose of making a determination under this section. The application and supporting information and all examination reports and information obtained by the director and the director's staff in conducting its investigation shall be confidential and privileged and not subject to public disclosure under chapter 42.56 RCW. The application and information may be disclosed to federal bank regulatory agencies and to officials empowered to investigate criminal charges, subject to legal process, valid search warrant, or subpoena. In any civil action in which such application or information is sought to be discovered or used as evidence, any party may, upon notice to the director and other parties, petition for an in camera review. The court may permit discovery and introduction of only those portions that are relevant and otherwise unobtainable by the requesting party. The application and information shall be discoverable in any judicial action challenging the approval of an acquisition by the director as arbitrary and capricious or unlawful.

(Subsection (b) omitted; not relevant to exemption)

(Item 90) RCW 31.12.565(1) Examination reports and specified other information confidential – Exceptions – Penalty (obtained by the director of financial institutions while examining credit unions)

(1) The following are confidential and privileged and not subject to public disclosure under chapter 42.56 RCW:

(a) Examination reports and information obtained by the director in conducting examinations and investigations under this chapter and chapter 31.13 RCW;

(b) Examination reports and related information from other financial institution regulators obtained by the director;

(c) Reports or parts of reports accepted in lieu of an examination under RCW 31.12.545; and

(d) Business plans and other proprietary information obtained by the director in connection with a credit union's application or notice to the director.

(2) Notwithstanding subsection (1) of this section, the director may furnish examination reports[,], work papers, final orders, or other information obtained in the conduct of an examination or investigation prepared by the director to:

(a) Federal agencies empowered to examine credit unions or other financial institutions;

(b) Officials empowered to investigate criminal charges. The director may furnish only that part of the report which is necessary and pertinent to the investigation, and only after

notifying the affected credit union and members of the credit union who are named in that part of the examination report, or other person examined, that the report is being furnished to the officials, unless the officials requesting the report obtain a waiver of the notice requirement for good cause from a court of competent jurisdiction;

(c) The examined credit union or other person examined, solely for its confidential use;

(d) The attorney general in his or her role as legal advisor to the director;

(e) Prospective merger partners or conservators, receivers, or liquidating agents of a distressed credit union;

(f) Credit union regulators in other states or foreign jurisdictions regarding an out-of-state or foreign credit union conducting business in this state under this chapter, or regarding a credit union conducting business in the other state or jurisdiction;

(g) A person officially connected with the credit union or other person examined, as officer, director, supervisory committee member, attorney, auditor, accountant, independent attorney, independent auditor, or independent accountant;

(h) Organizations that have bonded the credit union to the extent that information is relevant to the renewal of the bond coverage or to a claim under the bond coverage;

(i) Organizations insuring or guaranteeing the shares of, or deposits in, the credit union;

or

(j) Other persons as the director may determine necessary to protect the public interest and confidence.

(3) Examination reports, work papers, temporary and final orders, consent orders, and other information obtained in the conduct of an examination or investigation furnished under subsection (2) of this section remain the property of the director and no person to whom reports are furnished or any officer, director, or employee thereof may disclose or make public the reports or information contained in the reports except in published statistical information that does not disclose the affairs of a person, except that nothing prevents the use in a criminal prosecution of reports furnished under subsection (2)(b) of this section.

(4) In a civil action in which the reports or information are sought to be discovered or used as evidence, a party may, upon notice to the director, petition the court for an in-camera review of the reports or information. The court may permit discovery and introduction of only those portions of the report or information which are relevant and otherwise unobtainable by the requesting party. This subsection does not apply to an action brought or defended by the director.

(5) This section does not apply to investigation reports prepared by the director concerning an application for a new credit union or a notice of intent to establish a branch of a credit union, except that the director may adopt rules making portions of the reports confidential, if in the director's opinion the public disclosure of that portion of the report would impair the ability to obtain information the director considers necessary to fully evaluate the application.

(6) Any person who knowingly violates a provision of this section is guilty of a gross misdemeanor.

[2010 c 87 § 6; 2005 c 274 § 254; 2001 c 83 § 28; 1997 c 397 § 48. Prior: 1994 c 256 § 90; 1994 c 92 § 209; 1984 c 31 § 58.]

**(Item 91) RCW 32.04.220, Examination reports and information –Confidential –Privileged—
Penalty (Savings banks); Reports/information obtained from Savings bank**

(1) All examination reports and all information obtained by the director and the director's staff in conducting examinations of savings banks, and information obtained by the director and the director's staff from other state or federal bank regulatory authorities with whom the director has entered into agreements pursuant to RCW 32.04.211, and information obtained by the director and the director's staff relating to examination and supervision of holding companies owning a savings bank in this state or subsidiaries of such holding companies, is confidential and privileged information and shall not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, or other entity.

(2) Subsection (1) of this section notwithstanding, the director may furnish all or any part of examination reports, work papers, final order, or other information obtained in the conduct of an examination or investigation prepared by the director's office to:

- (a) Federal agencies empowered to examine savings banks;
- (b) Bank regulatory authorities with whom the director has entered into agreements pursuant to RCW 32.04.211, and other bank regulatory authorities who are the primary regulatory authority or insurer of accounts for a holding company owning a savings bank the principal operations of which are conducted in this state or a subsidiary of such holding company; provided that the director shall first find that the reports of examination to be furnished shall receive protection from disclosure comparable to that accorded by this section;
- (c) Officials empowered to investigate criminal charges subject to legal process, valid search warrant, or subpoena. If the director furnishes any examination report to officials empowered to investigate criminal charges, the director may only furnish that part of the report which is necessary and pertinent to the investigation, and the director may do this only after notifying the affected savings bank and any customer of the savings bank who is named in that part of the report of the order to furnish the part of the examination report unless the officials requesting the report first obtain a waiver of the notice requirement from a court of competent jurisdiction for good cause;
- (d) The examined savings bank or holding company thereof;
- (e) The attorney general in his or her role as legal advisor to the director; (f) Liquidating agents of a distressed savings bank;
- (g) A person or organization officially connected with the savings bank as officer, director, attorney, auditor, or independent attorney or independent auditor;
- (h) The Washington public deposit protection commission as provided by RCW 39.58.105.
- (i) Organizations insuring or guaranteeing the shares of, or deposits in, the savings bank; or
- (j) Other persons as the director may determine necessary to protect the public interest and confidence.

(3) All examination reports, work papers, final order, or other information obtained in the conduct of an examination or investigation furnished under subsections (2) and (4) of this section shall remain the property of the department of financial institutions, and be confidential, and no person, agency, or authority to whom reports are furnished or any officer, director, or employee

thereof shall disclose or make public any of the reports or any information contained therein except in published statistical material that does not disclose the affairs of any individual or corporation: PROVIDED, That nothing herein shall prevent the use in a criminal prosecution of reports furnished under subsection (2) of this section.

(4) The examination report made by the department of financial institutions is designed for use in the supervision of the savings bank, and the director may furnish a copy of the report to the savings bank examined. The report shall remain the property of the director and will be furnished to the savings bank solely for its confidential use. Under no circumstances shall the savings bank or any of its trustees, officers, or employees disclose or make public in any manner the report or any portion thereof, to any person or organization not connected with the savings bank as officer, director, employee, attorney, auditor, or candidate for executive office with the bank. The savings bank may also, after execution of an agreement not to disclose information in the report, disclose the report or relevant portions thereof to a party proposing to acquire or merge with the savings bank.

(5) Examination reports and information obtained by the director and the director's staff in conducting examinations, or from other state and federal bank regulatory authorities with whom the director has entered into agreements pursuant to RCW 32.04.211, or relating to examination and supervision of holding companies owning a savings bank the principal operations of which are conducted in this state or a subsidiary of such holding company, shall not be subject to public disclosure under chapter 42.56 RCW.

(6) In any civil action in which the reports are sought to be discovered or used as evidence, any party may, upon notice to the director, petition the court for an in camera review of the report. The court may permit discovery and introduction of only those portions of the report which are relevant and otherwise unobtainable by the requesting party. This subsection shall not apply to an action brought or defended by the director.

(7) This section shall not apply to investigation reports prepared by the director and the director's staff concerning an application for a new savings bank or an application for a branch of a savings bank: PROVIDED, That the director may adopt rules making confidential portions of the reports if in the director's opinion the public disclosure of the portions of the report would impair the ability to obtain the information which the director considers necessary to fully evaluate the application.

(8) Notwithstanding any other provision of this section or other applicable law, a savings bank or holding company shall not be in violation of any provision of this section on account of its compliance with required reporting to the federal securities and exchange commission, including the disclosure of any order of the director.

(9) Every person who violates any provision of this section shall be guilty of a gross misdemeanor.

(Item 92) RCW 33.04.110(1) Examination reports and information—Confidential and privileged—Exceptions, limitations and procedure—Penalty (enacted 1977, last amended 2005)

(1) Except as otherwise provided in this section, all examination reports and all information obtained by the director and the director's staff in conducting examinations of associations are confidential and privileged information and shall not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, or other entity.

(2) Subsection (1) of this section notwithstanding, the director may furnish in whole or in part examination reports prepared by the director's office to federal agencies empowered to examine state associations, to savings and loan supervisory agencies of other states which have authority to examine associations doing business in this state, to the attorney general in his or her role as legal advisor to the director, to the examined association as provided in subsection (4) of this section, and to officials empowered to investigate criminal charges. If the director furnishes any examination report to officials empowered to investigate criminal charges, the director may only furnish that part of the report which is necessary and pertinent to the investigation, and the director may do this only after notifying the affected savings and loan association and any customer of the savings and loan association who is named in that part of the report of the order to furnish the part of the examination report unless the officials requesting the report first obtain a waiver of the notice requirement from a court of competent jurisdiction for good cause. The director may also furnish in whole or in part examination reports concerning any association in danger of insolvency to the directors or officers of a potential acquiring party when, in the director's opinion, it is necessary to do so in order to protect the interests of members, depositors, or borrowers of the examined association.

(3) All examination reports furnished under subsection (2) of this section shall remain the property of the department of financial institutions and, except as provided in subsection (4) of this section, no person, agency, or authority to whom reports are furnished or any officer, director, or employee thereof shall disclose or make public any of the reports or any information contained therein except in published statistical material that does not disclose the affairs of any individual or corporation: PROVIDED, That nothing herein shall prevent the use in a criminal prosecution of reports furnished under subsection (2) of this section.

(4) The examination report made by the department of financial institutions is designed for use in the supervision of the association, and the director may furnish a copy of the report to the savings and loan association examined. The report shall remain the property of the director and will be furnished to the association solely for its confidential use. Neither the association nor any of its directors, officers, or employees may disclose or make public in any manner the report or any portion thereof without permission of the board of directors of the examined association. The permission shall be entered in the minutes of the board.

(5) Examination reports and information obtained by the director and the director's staff in conducting examinations shall not be subject to public disclosure under chapter 42.56 RCW.

(6) In any civil action in which the reports are sought to be discovered or used as evidence, any party may, upon notice to the director, petition the court for an in camera review of the report. The court may permit discovery and introduction of only those portions of the report which are relevant and otherwise unobtainable by the requesting party. This subsection shall not apply to an action brought or defended by the director.

(7) This section shall not apply to investigation reports prepared by the director and the director's staff concerning an application for a new association or an application for a branch of an association. The director may adopt rules making confidential portions of such reports if in the director's opinion the public disclosure of the portions of the report would impair the ability to obtain the information which the director considers necessary to fully evaluate the application.

(8) Every person who intentionally violates any provision of this section is guilty of a gross misdemeanor.

(Item 93) RCW 32.32.228(3) Findings disapproving conversion from mutual savings bank to capital stock savings bank

(3) The director may disapprove the acquisition of a savings bank within thirty days after the filing of a complete application pursuant to subsections (1) and (2) of this section or an extended period not exceeding an additional fifteen days if:

(a) The poor financial condition of any acquiring party might jeopardize the financial stability of the savings bank or might prejudice the interest of depositors, borrowers, or shareholders;

(b) The plan or proposal of the acquiring party to liquidate the savings bank, to sell its assets, to merge it with any person, or to make any other major change in its business or corporate structure or management is not fair and reasonable to its depositors, borrowers, or stockholders or is not in public interest;

(c) The banking and business experience and integrity of any acquiring party who would control the operation of the savings bank indicates that approval would not be in the interest of the savings bank's depositors, borrowers, or shareholders;

(d) The information provided by the application is insufficient for the director to make a determination or there has been insufficient time to verify the information provided and conduct an examination of the qualification of the acquiring party; or

(e) The acquisition would not be in the public interest.

An acquisition may be made prior to expiration of the disapproval period if the director issues written notice of intent not to disapprove the action.

The director shall set forth the basis for disapproval of any proposed acquisition in writing and shall provide a copy of such findings and order to the applicants and to the bank involved. Such findings and order shall not be disclosed to any other party and shall not be subject to public disclosure under chapter 42.56 RCW unless the findings and/or order are appealed pursuant to chapter 34.05 RCW.

Whenever such a change in control occurs, each party to the transaction shall report promptly to the director any changes or replacement of its chief executive officer or of any director

occurring in the next twelve-month period, including in its report a statement of the past and current business and professional affiliations of the new chief executive officer or directors.

(Item 94) RCW 32.32.275 Applications available for public inspection -- confidential information (applications for conversion from mutual savings bank to capital stock savings bank)

Should the applicant desire to submit any information it deems to be of a confidential nature regarding any item or a part of any exhibit included in any application under this chapter, the information pertaining to the item or exhibit shall be separately bound and labeled "confidential", and a statement shall be submitted therewith briefly setting forth the grounds on which the information should be treated as confidential. Only general reference thereto need be made in that portion of the application which the applicant deems not to be confidential. Applications under this chapter shall be made available for inspection by the public, except for portions which are bound and labeled "confidential" and which the director determines to withhold from public availability under chapter 42.56 RCW. The applicant shall be advised of any decision by the director to make public information designated as "confidential" by the applicant. Even though sections of the application are considered "confidential" as far as public inspection thereof is concerned, to the extent the director deems necessary the director may comment on the confidential submissions in any public statement in connection with the director's decision on the application without prior notice to the applicant.

[2005 c 274 § 260; 1994 c 92 § 374; 1981 c 85 § 54.]

(Item 95) RCW 7.88.020 Confidentiality of financial institution compliance review information

Except as provided in RCW 7.88.030:

(1) Compliance review documents are confidential and are not discoverable or admissible as evidence in any civil action.

(2) Compliance review personnel shall not be required to testify at deposition or trial in any civil action concerning the contents of or matters addressed in any compliance review or any compliance review documents, nor as to the actions or activities undertaken by or at the direction of the financial institution or affiliate in connection with a compliance review.

[1997 c 435 § 3.]

(Item 96) RCW 9A.82.170 Financial institution records – inspection and copying – wrongful disclosure

(1) Upon request of the attorney general or prosecuting attorney, a subpoena for the production of records of a financial institution may be signed and issued by a superior court judge if there is reason to believe that an act of criminal profiteering or a violation of RCW 9A.82.060 or 9A.82.080 has occurred or is occurring and that the records sought will materially aid in the investigation of such activity or appears reasonably calculated to lead to the discovery of

information that will do so. The subpoena shall be served on the financial institution as in civil actions. The court may, upon motion timely made and in any event before the time specified for compliance with the subpoena, condition compliance upon advancement by the attorney general or prosecuting attorney of the reasonable costs of producing the records specified in the subpoena.

(2) A response to a subpoena issued under this section is sufficient if a copy or printout, duly authenticated by an officer of the financial institution as a true and correct copy or printout of its records, is provided, unless otherwise provided in the subpoena for good cause shown.

(3) Except as provided in this subsection, a financial institution served with a subpoena under this section shall not disclose to the customer the fact that a subpoena seeking records relating to the customer has been served. A judge of the superior court may order the attorney general, prosecuting attorney, or financial institution to advise the financial institution's customer of the subpoena. Unless ordered to do so by the court, disclosure of the subpoena by the financial institution or any of its employees to the customer is a misdemeanor.

(4) A financial institution shall be reimbursed in an amount set by the court for reasonable costs incurred in providing information pursuant to this section.

(5) This section does not preclude the use of other legally authorized means of obtaining records, nor preclude the assertion of any legally recognized privileges.

(6) Disclosure by the attorney general, county prosecuting attorney, or any peace officer or other person designated by the attorney general or the county prosecuting attorney, of information obtained under this section, except in the proper discharge of official duties, is punishable as a misdemeanor.

(7) Upon filing of any civil or criminal action, the nondisclosure requirements of any subpoena or order under this section shall terminate, and the attorney general or prosecuting attorney filing the action shall provide to the defendant copies of all subpoenas or other orders issued under this section.

(8) A financial institution shall not be civilly liable for harm resulting from its compliance with the provisions of this chapter.

[2001 c 222 § 21. Prior: 1985 c 455 § 18; 1984 c 270 § 17.]

(Item 97) RCW 21.30.855 (enacted 1988; no longer exists; recodified when DFI created)

(Item 98) RCW 30.04.410(3) Findings relating to disapproval of bank acquisition or control/change of officers of bank or trust company

1) The director may disapprove the acquisition of a bank or trust company within thirty days after the filing of a complete application pursuant to RCW [30.04.405](#) or an extended period not exceeding an additional fifteen days if:

(a) The poor financial condition of any acquiring party might jeopardize the financial stability of the bank or might prejudice the interests of the bank depositors, borrowers, or shareholders;

(b) The plan or proposal of the acquiring party to liquidate the bank, to sell its assets, to merge it with any person, or to make any other major change in its business or corporate structure or management is not fair and reasonable to the bank's depositors, borrowers, or stockholders or is not in the public interest;

(c) The banking and business experience and integrity of any acquiring party who would control the operation of the bank indicates that approval would not be in the interest of the bank's depositors, borrowers, or shareholders;

(d) The information provided by the application is insufficient for the director to make a determination or there has been insufficient time to verify the information provided and conduct an examination of the qualification of the acquiring party; or

(e) The acquisition would not be in the public interest.

(2) An acquisition may be made prior to expiration of the disapproval period if the director issues written notice of intent not to disapprove the action.

(3) The director shall set forth the basis for disapproval of any proposed acquisition in writing and shall provide a copy of such findings and order to the applicants and to the bank involved. Such findings and order shall not be disclosed to any other party and shall not be subject to public disclosure under chapter 42.56 RCW unless the findings and/or order are appealed pursuant to chapter 34.05 RCW.

(4) Whenever such a change in control occurs, each party to the transaction shall report promptly to the director any changes or replacement of its chief executive officer, or of any director, that occurs in the next twelve-month period, including in its report a statement of the past and present business and professional affiliations of the new chief executive officer or directors.

[2005 c 274 § 253; 1994 c 92 § 30; 1989 c 180 § 3; 1977 ex.s. c 246 § 3.]

(Item 99) RCW 33.24.360(1)(d) Name of lender financing acquisition of savings and loan

(1) It is unlawful for any acquiring party to acquire control of an association until thirty days after the date of filing with the director an application containing substantially all of the following information and any additional information that the director may prescribe as necessary or appropriate in the public interest or for the protection of deposit account holders, borrowers or stockholders:

(a) The identity, character, and experience of each acquiring party by whom or on whose behalf acquisition is to be made;

(b) The financial and managerial resources and future prospects of each acquiring party involved in the acquisition;

(c) The terms and conditions of any proposed acquisition and the manner in which such acquisition is to be made;

(d) The source and amount of the funds or other consideration used or to be used in making the acquisition and, if any part of these funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the acquisition, a description of the transaction and the names of the parties. However, where a source of funds is a loan made in the lender's ordinary course of business, if the person filing the statement so requests, the director shall not disclose the name of the lender to the public;

(e) Any plans or proposals which any acquiring party making the acquisition may have to liquidate the association to sell its assets, to merge it with any company, or to make any other major changes in its business or corporate structure or management;

(f) The identification of any persons employed, retained or to be compensated by the acquiring party, or by any person on his or her behalf, who makes solicitations or recommendations to stockholders for the purpose of assisting in the acquisition, and brief description of the terms of such employment, retainer, or arrangements for compensation;

(g) Copies of all invitations for tenders or advertisements making a tender offer to stockholders for purchase of their stock to be used in connection with the proposed acquisition.
((2) and (3) omitted)

(4) Any person who willfully violates this section, or any regulation or order thereunder, is guilty of a misdemeanor and shall be fined not more than one thousand dollars for each day during which the violation continues.

[2003 c 53 § 197; 1994 c 92 § 447; 1982 c 3 § 54; 1979 c 113 § 13; 1973 c 130 § 2.]

(Item 100) RCW 42.56.450 Personal information in check cashers and sellers licensing applications

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 is exempt from disclosure under this chapter.

[2005 c 274 § 425.]

(Item 101) RCW 31.35.070 Reports on examinations of agricultural lenders

(1) The director shall visit each agricultural lender at least every twenty-four months for the purpose of assuring that the agricultural lender remains in compliance with and qualified for the loan guaranty program.

(a) The director may accept timely audited financial statements and other timely reports the director determines to be relevant and accurate as part of a full and complete examination of the agricultural lender. The director shall make an independent review of loans guaranteed by the loan guaranty program.

(b) The agricultural lender shall be exempt from examination under this subsection if it terminates its activities under the loan guaranty program and no loans guaranteed by the loan guaranty program remain on the books. This exemption becomes effective upon notification to the director. The director shall confirm termination of activities under the loan guaranty program with the appropriate federal agency.

(c) All examination reports and all information obtained by the director and the director's staff in conducting examinations of an agricultural lender are confidential to the same extent bank examinations are confidential under RCW 30.04.075.

(d) All examination reports may be shared with other state or federal agencies consistent with chapter 30.04 RCW.

(2) A director, officer, or employee of an agricultural lender or of a subsidiary of an agricultural lender being examined by the director or a person having custody of any of the books, accounts, or records of the agricultural lender or of the subsidiary shall facilitate the examination so far as it is in his or her power to do so.

(3) If in the opinion of the director it is necessary in the examination of an agricultural lender or of a subsidiary of an agricultural lender, the director may retain any certified public accountant, attorney, appraiser, or other person to assist the director. The agricultural lender being examined shall pay the fees of a person retained by the director under this subsection.

[1994 c 92 § 256; 1990 c 134 § 7.]

(Item 102) RCW 31.45.030 License required — Small loan endorsement — Application — Fee — Bond — Deposit in lieu of bond — Director's duties.

(1) Except as provided in RCW 31.45.020, no check casher or seller may engage in business without first obtaining a license from the director in accordance with this chapter. A license is required for each location where a licensee engages in the business of cashing or selling checks or drafts.

(2) Each application for a license shall be in writing in a form prescribed by the director and shall contain the following information: (a) The legal name, residence, and business address of the applicant and, if the applicant is a partnership, association, or corporation, of every member, officer, and director thereof; (b) The location where the initial registered office of the applicant will be located in this state; (c) The complete address of any other locations at which the applicant proposes to engage in business as a check casher or seller; and (d) Such other data, financial statements, and pertinent information as the director may require with respect to the applicant, its directors, trustees, officers, members, or agents.

(3) Any information in the application regarding the personal residential address or telephone number of the applicant, and any trade secret as defined in RCW 19.108.010 including any financial statement that is a trade secret, is exempt from the public records disclosure requirements of chapter 42.56 RCW.

(4) The application shall be filed together with an investigation and supervision fee established by rule by the director. Such fees collected shall be deposited to the credit of the financial services regulation fund in accordance with RCW 43.320.110.

(section 5 omitted, no material relevant to exemption)

(Item 103) RCW 31.45.077(2), Addresses, phone numbers and trade secrets of applicants for a small loan endorsement to a check cashers or sellers license

(1) Each application for a small loan endorsement to a check casher or check seller license must be in writing and in a form prescribed by the director and shall contain the following information:

(a) The legal name, residence, and business address of the applicant, and if the applicant is a partnership, corporation, or association, the name and address of every member, partner, officer, and director thereof;

(b) The street and mailing address of each location where the licensee will engage in the business of making small loans;

(c) A surety bond, or other security allowed under RCW 31.45.030, in the amount required; and

(d) Any other pertinent information, including financial statements, as the director may require with respect to the licensee and its directors, officers, trustees, members, or employees.

(2) Any information in the application regarding the licensee's personal residential address or telephone number, and any trade secrets of the licensee as defined under RCW 19.108.010 including any financial statement that is a trade secret, is exempt from the public records disclosure requirements of chapter 42.56 RCW.

(3) The application shall be filed together with an investigation and review fee established by rule by the director. Fees collected shall be deposited to the credit of the financial services regulation fund in accordance with RCW 43.320.110.

(Item 104) RCW 31.45.090, Report requirements — Disclosure of information — Rules. (DFI, check cashers and sellers)

(1) Each licensee shall submit to the director, in a form approved by the director, a report containing financial statements covering the calendar year or, if the licensee has an established

fiscal year, then for such fiscal year, within one hundred five days after the close of each calendar or fiscal year. The licensee shall also file such additional relevant information as the director may require. Any information provided by a licensee in an annual report that constitutes a trade secret under chapter 19.108 RCW is exempt from disclosure under chapter 42.56 RCW, unless aggregated with information supplied by other licensees in such a manner that the licensee's individual information is not identifiable. Any information provided by the licensee that allows identification of the licensee may only be used for purposes reasonably related to the regulation of licensees to ensure compliance with this chapter.

(2) A licensee whose license has been suspended or revoked shall submit to the director, at the licensee's expense, within one hundred five days after the effective date of such surrender or revocation, a closing audit report containing audited financial statements as of such effective date for the twelve months ending with such effective date.

(3) The director shall adopt rules specifying the form and content of such audit reports and may require additional reporting as is necessary for the director to ensure compliance with this chapter.

APPENDIX C, LABOR & INDUSTRIES

RCW 51.16.070(2) Employer's records — Unified business identifier — Confidentiality.

2) Information obtained from employing unit records under the provisions of this title shall be deemed confidential and shall not be open to public inspection (other than to public employees in the performance of their official duties), but any interested party shall be supplied with information from such records to the extent necessary for the proper presentation of the case in question: PROVIDED, That any employing unit may authorize inspection of its records by written consent.

Explanation of exemption: Under title 51 RCW, Employers are required to keep records relating to workers, their compensation and injuries on the job. This statute provides that those required records are not open to public inspection.

No. 106: RCW 51.28.070 Claim files and records confidential.

Information contained in the claim files and records of injured workers, under the provisions of this title, shall be deemed confidential and shall not be open to public inspection (other than to public employees in the performance of their official duties), but representatives of a claimant, be it an individual or an organization, may review a claim file or receive specific information therefrom upon the presentation of the signed authorization of the claimant. A claimant may review his or her claim file if the director determines, pursuant to criteria adopted by rule, that the review is in the claimant's interest. Employers or their duly authorized representatives may review any files of their own injured workers in connection with any pending claims. Physicians treating or examining workers claiming benefits under this title, or physicians giving medical advice to the department regarding any claim may, at the discretion of the department, inspect the claim files and records of injured workers, and other persons may make such inspection, at the department's discretion, when such persons are rendering assistance to the department at any stage of the proceedings on any matter pertaining to the administration of this title.

[1990 c 209 § 2; 1977 ex.s. c 350 § 36; 1975 1st ex.s. c 224 § 6; 1961 c 23 § [51.28.070](#). Prior: 1957 c 70 § 51.]

107 on Schedule for Review, RCW 51.36.110

Audits of health care providers — Powers of department.

The director of the department of labor and industries or the director's authorized representative shall have the authority to:

(1) Conduct audits and investigations of providers of medical, chiropractic, dental, vocational, and other health services furnished to industrially injured workers pursuant to Title [51](#) RCW. In the conduct of such audits or investigations, the director or the director's authorized representatives may examine all records, or portions thereof, including patient records, for which services were rendered by a health services provider and reimbursed by the department, notwithstanding the provisions of any other statute which may make or purport to make such

records privileged or confidential: PROVIDED, That no original patient records shall be removed from the premises of the health services provider, and that the disclosure of any records or information obtained under authority of this section by the department of labor and industries is prohibited and constitutes a violation of RCW 42.52.050, unless such disclosure is directly connected to the official duties of the department: AND PROVIDED FURTHER, That the disclosure of patient information as required under this section shall not subject any physician, licensed advanced registered nurse practitioner, or other health services provider to any liability for breach of any confidential relationships between the provider and the patient: AND PROVIDED FURTHER, That the director or the director's authorized representative shall destroy all copies of patient medical records in their possession upon completion of the audit, investigation, or proceedings;

(2) Approve or deny applications to participate as a provider of services furnished to industrially injured workers pursuant to Title 51 RCW;

(3) Terminate or suspend eligibility to participate as a provider of services furnished to industrially injured workers pursuant to Title 51 RCW; and

(4) Pursue collection of unpaid overpayments and/or penalties plus interest accrued from health care providers pursuant to RCW 51.32.240(6).

[2004 c 243 § 6; 2004 c 65 § 13; 1994 c 154 § 312; 1993 c 515 § 6; 1986 c 200 § 2.]

Notes:

Reviser's note: This section was amended by 2004 c 65 § 13 and by 2004 c 243 § 6, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

112 on Schedule for Review: RCW 49.17.080(1)

Variance from safety and health standards — Application — Contents — Procedure.

(1) Any employer may apply to the director for a temporary order granting a variance from any safety and health standard promulgated by rule or regulation under the authority of this chapter. Such temporary order shall be granted only if the employer files an application which meets the requirements of subsection (2) of this section and establishes that the employer is unable to comply with a safety or health standard because of the unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the safety and health standard or because necessary construction or alteration of facilities cannot be completed by the effective date of such safety and health standard, that he or she is taking all available steps to safeguard his or her employees against the hazards covered by the safety and health standard, and he or she has an effective program for coming into compliance with such safety and health standard as quickly as practicable. Any temporary order issued under the authority of this subsection shall prescribe the practices, means, methods, operations, and processes which the employer must adopt and use while the order is in effect and state in detail his or her program for coming into compliance with the safety and health standard. Such a temporary order may be granted only after notice to employees and an opportunity for a hearing upon request of the

employer or any affected employee. The name of any affected employee requesting a hearing under the provisions of this subsection shall be confidential and shall not be disclosed without the consent of such employee. The director may issue one interim order to be effective until a determination is made or a decision rendered if a hearing is demanded. No temporary order may be in effect for longer than the period needed by the employer to achieve compliance with the standard, or one year, whichever is shorter, except that such an order may be renewed not more than twice, so long as the requirements of this subsection are met and if an application for renewal is filed at least ninety days prior to the expiration date of the order. No renewal of a temporary order may remain in effect for longer than one hundred eighty days.

#113 on Schedule for Review: RCW 49.17.200 Confidentiality — Trade secrets.

All information reported to or otherwise obtained by the director, or his or her authorized representative, in connection with any inspection or proceeding under the authority of this chapter, which contains or which might reveal a trade secret shall be considered confidential, except that such information may be disclosed to other officers or employees concerned with carrying out this chapter, or when relevant in any proceeding under this chapter. In any such proceeding the director, the board of industrial insurance appeals, or the court shall issue such orders as may be appropriate to protect the confidentiality of trade secrets.

114 on Schedule for Review: RCW 49.17.210 Research, experiments, and demonstrations for safety purposes — Confidentiality of information — Variances.

The director is authorized to conduct, either directly or by grant or contract, research, experiments, and demonstrations as may be of aid and assistance in the furtherance of the objects and purposes of this chapter. Employer identity, employee identity, and personal identifiers of voluntary participants in research, experiments, and demonstrations shall be deemed confidential and shall not be open to public inspection. Information obtained from such voluntary activities shall not be deemed to be medical information for the purpose of RCW [51.36.060](#) and shall be deemed confidential and shall not be open to public inspection. The director, in his or her discretion, is authorized to grant a variance from any rule or regulation or portion thereof, whenever he or she determines that such variance is necessary to permit an employer to participate in an experiment approved by the director, and the experiment is designed to demonstrate or validate new and improved techniques to safeguard the health or safety of employees. Any such variance shall require that all due regard be given to the health and safety of all employees participating in any experiment.

115 on Schedule for Review: RCW 49.17.250(3) Voluntary compliance program — Consultation and advisory services.

(1) In carrying out the responsibilities for the development of a voluntary compliance program under the authority of RCW [49.17.050](#)(8) and the rendering of advisory and consultative services to employers, the director may grant an employer's application for advice and consultation, and for the purpose of affording such consultation and advice visit the employer's work place. Such consultation and advice shall be limited to the matters specified in the request affecting the interpretation and applicability of safety and health standards to the conditions, structures,

machines, equipment, apparatus, devices, materials, methods, means, and practices in the employer's work place. The director in granting any requests for consultative or advisory service may provide for an alternative means of affording consultation and advice other than on-site consultation.

(2) The director, or an authorized representative, will make recommendations regarding the elimination of any hazards disclosed within the scope of the on-site consultation. No visit to an employer's work place shall be regarded as an inspection or investigation under the authority of this chapter, and no notices or citations shall be issued, nor, shall any civil penalties be assessed upon such visit, nor shall any authorized representative of the director designated to render advice and consult with employers under the voluntary compliance program have any enforcement authority: PROVIDED, That in the event an on-site visit discloses a serious violation of a health and safety standard as defined in RCW [49.17.180](#)(6), and the hazard of such violation is either not abated by the cooperative action of the employer, or, is not subject to being satisfactorily abated by the cooperative action of the employer, the director shall either invoke the administrative restraining authority provided in RCW [49.17.130](#) or seek the issuance of injunctive process under the authority of RCW [49.17.170](#) or invoke both such remedies.

(3) Nothing in this section shall be construed as providing immunity to any employer who has made application for consultative services during the pendency of the granting of such application from inspections or investigations conducted under RCW [49.17.070](#) or any inspection conducted as a result of a complaint, nor immunity from inspections under RCW [49.17.070](#) or inspections resulting from a complaint subsequent to the conclusion of the consultative period. This section shall not be construed as requiring an inspection under RCW [49.17.070](#) of any work place which has been visited for consultative purposes. However, in the event of a subsequent inspection, the director, or an authorized representative, may in his or her discretion take into consideration any information obtained during the consultation visit of that work place in determining the nature of an alleged violation and the amount of penalties to be assessed, if any. Such rules and regulations to be promulgated pursuant to this section shall provide that in all instances of serious violations as defined in RCW [49.17.180](#)(6) which are disclosed in any consultative period, shall be corrected within a specified period of time at the expiration of which an inspection will be conducted under the authority of RCW [49.17.070](#). All employers requesting consultative services shall be advised of the provisions of this section and the rules adopted by the director relating to the voluntary compliance program. **Information obtained by the department as a result of employer-requested consultation and training services shall be deemed confidential and shall not be open to public inspection.** Within thirty days of receipt, the employer shall make voluntary services reports available to employees or their collective bargaining representatives for review. Employers may satisfy the availability requirement by requesting a copy of the reports from the department. The director may provide by rule for the frequency, manner, and method of the rendering of consultative services to employers, and for the scheduling and priorities in granting applications consistent with the availability of personnel, and in such a manner as not to jeopardize the enforcement requirements of this chapter.

116 on Schedule for Review: RCW 49.17.260 Statistics — Investigations — Reports.

In furtherance of the objects and purposes of this chapter, the director shall develop and maintain an effective program of collection, compilation, and analysis of industrial safety and health

statistics. The director, or his or her authorized representative, shall investigate and analyze industrial catastrophes, serious injuries, and fatalities occurring in any work place subject to this chapter, in an effort to ascertain whether such injury or fatality occurred as the result of a violation of this chapter, or any safety and health standard, rule, or order promulgated pursuant to this chapter, or if not, whether a safety and health standard or rule should be promulgated for application to such circumstances. The director shall adopt rules relating to the conducting and reporting of such investigations. Such investigative report shall be deemed confidential and only available upon order of the superior court after notice to the director and an opportunity for hearing: PROVIDED, That such investigative reports shall be made available without the necessity of obtaining a court order, to employees of governmental agencies in the performance of their official duties, to the injured worker or his or her legal representative or his or her labor organization representative, or to the legal representative or labor organization representative of a deceased worker who was the subject of an investigation, or to the employer of the injured or deceased worker or any other employer or person whose actions or business operation is the subject of the report of investigation, or any attorney representing a party in any pending legal action in which an investigative report constitutes relevant and material evidence in such legal action.

117 on Schedule for Review: RCW 51.36.120 Confidential information.

When contracting for health care services and equipment, the department, upon request of a contractor, shall keep confidential financial and valuable trade information, which shall be exempt from public inspection and copying under chapter [42.56](#) RCW.

118 on Schedule for Review: RCW 42.56.400(1) Board of Industrial Insurance records pertaining to appeals of crime victims' compensation claims.

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW [7.68.110](#);

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recom- mendation
1	Agriculture	42.56.380(6)	Information on individual American ginseng growers or dealers	1996	Oct. 2007	June 2008
2	Personal Information - Research Data	42.56.360(1)(f)	Information relating to infant mortality pursuant to RCW 70.05.170	1992	Oct. 2007	Mar. 2008
3	Personal Information - Research Data	70.05.170	Medical records collected by a local department of health in the course of conducting a child mortality review	1992	Oct. 2007	Mar. 2008
4	Legislative Records	42.56.010(2)	Definition of "public records" for the senate and the house are limited to definition of legislative records in RCW 41.04.100 and budget, personnel, travel records and certain reports.	1995	Oct. 2007	Aug. 2009
5	Personal Information - Public Employment	42.56.250(2)	Applications for public employment, including names, resumes	1987	Oct. 2007	Mar. 2008
6	Agriculture	42.56.380(1)/ 15.86.110	Business records the Department of Agriculture obtains regarding organic food products	1992	Nov. 2007 Jan. 2008	June 2008
7	Agriculture	42.56.380(2)/ 15.54.362	Information regarding business operations contained in reports on commercial fertilizer	1987	Nov. 2007 Jan. 2008	June 2008
8	Agriculture	42.56.380(3)	Production or sales records required to determine payments to various agricultural commodity boards and commissions (Relates to exemptions in 10 commission statutes)	1996	Nov. 2007 Jan. 2008	June 2008
9	Agriculture	42.56.380(4)	Consignment information contained on phytosanitary certificates issued by the Department of Agriculture	1996	Nov. 2007 Jan. 2008	June 2008
10	Agriculture	42.56.380(5)	Financial and commercial information and records held by the Dept. of Agriculture for potential establishment of a commodity board or commission regarding domestic or export marketing activities or individual production information	1996	Nov. 2007 Jan. 2008	June 2008
11	Agriculture	42.56.380(7)	Identifiable information collected by Department of Agriculture regarding apple imports for report to the Legislature due December 31, 2002	1996	Nov. 2007 Jan. 2008	June 2008
12	Agriculture	42.56.380(8)	Financial statements provided to the Department of Agriculture for purposes of obtaining public livestock market license	2003	Nov. 2007 Jan. 2008	June 2008
13	Agriculture	42.56.380(9)	(Voluntary) National animal identification systems	2006	Nov. 2007 Jan. 2008	June 2008
14	Agriculture	42.56.380(10)/ 16.36	Animal disease reporting	2006	Nov. 2007 Jan. 2008	June 2008
15	Agriculture	42.56.270(17)	Farm plans that are voluntary and developed with conservation district assistance	2006	Jan. 2008	June 2008

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recom- mendation
16	Agriculture	42.56.610	Livestock nutrient management information: Certain information obtained by state and local agencies from dairies, animal feeding operations not required to apply for a national pollutant discharge elimination system permit disclosable only in ranges that provide meaningful information to public	2005 (c510s5)	Nov. 2007 Jan. 2008	June 2008
17	Agriculture	15.49.370(8)	Seeds: operations and production information	1969	Nov. 2007 Jan. 2008	June 2008
18	Agriculture	15.53.9018	Commercial Feed required reports	1975	Nov. 2007 Jan. 2008	June 2008
19	Agriculture	15.58.060(1)(c)	Washington Pesticide Control Act: Business information of a proprietary nature regarding pesticide formulas	1971	Nov. 2007 Jan. 2008	June 2008
20	Agriculture	15.58.065(2)	Washington Pesticide Control Act: Privileged or confidential commercial or financial information, trade secrets re: pesticides	1971	Nov. 2007 Jan. 2008	June 2008
21	Agriculture	15.65.510	Information regarding agricultural marketing agreements (including info from noncompliance hearings)	1961	Feb. 2008	June 2008
22	Agriculture	15.86.110	Business related information obtained by the Department of Agriculture regarding entities certified to handle and process organic or transitional food, or entities applying for such certification	1992	Nov. 2007 Jan. 2008	June 2008
23	Agriculture	17.24.061	Insect Pests & Plant Diseases (including: trade secrets or commercial or financial information obtained by Department of Agriculture regarding insect pests, noxious weeds, or organisms affecting plant life	1991	Nov. 2007 Jan. 2008	June 2008
24	Agriculture	22.09.040(9)	Financial information provided by applicants for a warehouse license to the Department of Agriculture	1987	Feb. 2008	June 2008
25	Agriculture	22.09.045(7)	Financial information provided by applicants for a grain dealer license to the Department of Agriculture	1987	Feb. 2008	June 2008
26	Agriculture	43.23.270	Financial and commercial information obtained by the Department of Agriculture for export market development projects	1996	Nov. 2007 Feb. 2008	June 2008
27	Personal Information	28C.18.020	List of nominees for director of Work Force Training & Education Board	1991	Feb. 2008	Sept. 2008
28	Personal Information	79A.25.150	Names of candidates for director of interagency committee for outdoor recreation	1989	Feb. 2008	Sept. 2008
29	Personal Information	43.33A.025	State Investment Board criminal history record checks of finalists for board positions	1999	May 2008	June 2008
30	Personal Information	42.56.250(3)	Address, phone numbers, email addresses, SSNs, etc. of public employees or volunteers held by public agencies.	1987	May 2008	

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recom- mendation
31	Personal Information	42.56.230(1)	Personal information in files for students in public schools, patients or clients of public institutions or public health agencies, or welfare programs	1973 (I-276)	Nov. 2008	
32	Public Utilities & Transportation	42.56.330(3)	Personal information in vanpool, carpool, ride-share programs	1997	May 2008	Nov. 2008
33	Public Utilities & Transportation	42.56.330(4)	Personal information of current or former participants or applicants in transit services operated for those with disabilities or elderly persons	1999	May 2008	Oct. 2008
34	Personal Information	41.04.364	Personally identifiable information in state employee wellness program	1987	May 2008	July 2008
35	Public Utilities & Transportation	42.56.330(5)	Personal information of persons who use transit passes and other fare payment media	1999	May 2008	Oct. 2008
36	Misc. Government Functions	42.56.290	Agency records relevant to a controversy but which would not be available to another party under the rules of pretrial discovery for causes pending in the Superior courts	1973 (I-276)	June 2008	Nov. 2008
37	Personal Information	42.56.250(4)	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.	1992	Sept. 2008	Oct. 2008
38	Personal Information	42.56.250(5)	Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.	1994	Sept. 2008	Oct. 2008
39	Personal Information	42.56.250(6)	Employee salary and benefit information collected from private employers for salary survey information for marine employees	1999	Sept. 2008	Oct. 2008
40	Personal Information	42.56.230(2)	Personal information in files on employees, appointees, or elected officials if disclosure would violate their right to privacy	1973 (I-276)	Nov. 2008	
41	Court Proceedings	13.34.100	Background information regarding a court appointed guardian ad litem.	1993	Oct. 2008	May, 2010
42	Public Utilities & Transportation	42.56.330(7)	Personally identifying information of persons who use transponders and other technology to facilitate payment of tolls	2005	Mar. 2009	May 2009
43	Public Utilities & Transportation	42.56.330(8)	Personally identifying information on an ID card that contains a chip to facilitate border crossing.	2008	Mar. 2009	May 2009
44	Public Utilities & Transportation	42.56.330(2)	Residential addresses and phone numbers in public utility records	1987	Mar. 2009	Oct. 2009
45	Public Utilities & Transportation	42.56.330(6)	Information obtained by governmental agencies and collected by the use of a motor carrier intelligent transportation system or comparable information equipment	1999	Mar. 2009	May 2009

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recom- mendation
46	Public Utilities & Transportation	42.56.335	Records of any person belonging to a public utility district or municipality owned electrical utility	2007	Mar. 2009	May 2009
47	Public Utilities & Transportation	42.56.330(1)	Valuable commercial information, trade secrets, etc. supplied to the UTC	1987	Mar. 2009	Mar. 2009
48	Public Utilities & Transportation	80.04.095	Utility records filed with UTC containing valuable commercial information	1987	Mar. 2009	Oct. 2009
49	Insurance & Financial Inst.	42.56.400(2)	Information obtained and exempted by the Health Care Authority that is transferred to facilitate development, acquisition, or implementation of state purchased health care	2003	5/09 and 5/10	May 2010
50	Insurance & Financial Inst.	42.56.400(3)	Names of individuals in life insurance policy settlements	1995	5/09 and 5/10	May 2010
51	Insurance & Financial Inst.	48.102.030	Insurance viatical settlement broker records which may be required and examined by the Insurance Commissioner	1995	5/09 and 5/10	May 2010
52	Insurance & Financial Inst.	42.56.400(4)	Insurance antifraud plans	1995	5/09 and 5/10	May 2010
53	Insurance & Financial Inst.	48.30A.060	Insurance company antifraud plans submitted to the Insurance Commissioner	1995	5/09 and 5/10	May 2010
54	Insurance & Financial Inst.	42.56.400(5)	Insurers' reports on material acquisitions and disposition of assets, etc. filed with the Insurance Commission	1995	5/09 and 5/10	May 2010
55	Insurance & Financial Inst.	42.56.400(7)	Information provided to the Insurance Commissioner regarding service contract providers	1999	5/09 and 5/10	May 2010
56	Insurance & Financial Inst.	48.110.040(3)	Monthly financial reports made by service contract providers to the Insurance Commissioner	2005	5/09 and 5/10	May 2010
57	Insurance & Financial Inst.	42.56.400(8)	Information obtained by the Insurance Commissioner relating to market conduct examinations	2001	5/09 and 5/10	May 2010
58	Insurance & Financial Inst.	42.56.400(12)	Documents obtained by the Insurance Commissioner to perform market conduct examinations. Report is disclosable under RCW 48.37.060.	2007	5/09 and 5/10	May 2010
59	Insurance & Financial Inst.	42.56.400(13)	Confidential and privileged documents obtained in market conduct examination.	2007	5/09 and 5/10	May 2010
60	Insurance & Financial Inst.	42.56.400(14)	Information provided to the Insurance Commissioner by insurance company employees asserting market conduct violations	2007	5/09 and 5/10	May 2010
61	Insurance & Financial Inst.	48.37.080	Documents related to Insurance Commissioner's market conduct examination	2007	5/09 and 5/10	May 2010
62	Insurance & Financial Inst.	42.56.400(9)	Proprietary information provided to the Insurance Commissioner regarding health carrier holding companies	2001	5/09 and 5/10	May 2010
63	Insurance & Financial Inst.	42.56.400(10)	Data filed with the Insurance Commissioner that reveals identity of claimant, provider, or insurer	2006	5/09 and 8/10	

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recom- mendation
64	Insurance & Financial Inst.	42.56.400(11)	Documents obtained by Insurance Commissioner relating to insurance fraud	2006	5/09 and 8/10	August 2010
65	Insurance & Financial Inst.	48.135.060	Documents obtained by Insurance Commissioner relating to insurance fraud	2006	5/09 and 8/10	August 2010
66	Insurance & Financial Inst.	42.56.400(15)	Documents obtained by Insurance Commissioner regarding misconduct by agent/broker	2007 Eff. 1/1/09	5/09 and 8/10	August 2010
67	Insurance & Financial Inst.	48.17.595(6)	Information obtained by Insurance Commissioner in investigation of misconduct by agent/broker	2007	5/09 and 8/10	August 2010
68	Insurance & Financial Inst.	42.56.403	Documents that provide background for actuarial opinion filed with Insurance Commissioner	2006	5/09 and 8/10	August 2010
69	Insurance & Financial Inst.	48.02.120	Formulas, statistics, assumptions, etc. used by insurance companies to create rates; such information that is submitted to the Insurance Commissioner	1985	5/09 and 8/10	August 2010
70	Insurance & Financial Inst.	48.05.385(2)	Statement of actuarial opinion is a public record. Documents that provide background for statement of actuarial opinion filed with Insurance Commissioner are exempt.	2006	5/09 and 8/10	August 2010
71	Insurance & Financial Inst.	48.03.040(6)(a)	Examinations and investigations by state Insurance Commissioner	1937	5/09 and 8/10	August 2010
72	Insurance & Financial Inst.	48.03.050	Examinations and investigations by state Insurance Commissioner	1937	May 2009	Oct. 2009
73	Insurance & Financial Inst.	48.05.465	Insurance companies risk based capital (RBC) reports and plans	1995	5/09 and 8/10	August 2010
74	Insurance & Financial Inst.	48.43.335(1)	Insurance companies risk based capital (RBC) reports and plans (should not be used to compare insurance companies and are therefore confidential)	1998	5/09 and 8/10	August 2010
75	Insurance & Financial Inst.	48.20.530	Proof of nonresident pharmacy licensure used by insurance companies to provide drugs to residents	1991	5/09 and 8/10	August 2010
76	Insurance & Financial Inst.	48.21.330	Proof of nonresident pharmacy licensure used by insurance companies to provide drugs to residents	1991	5/09 and 8/10	August 2010
77	Insurance & Financial Inst.	48.44.470	Proof of nonresident pharmacy licensure used by insurance companies to provide drugs to residents	1991	5/09 and 8/10	August 2010
78	Insurance & Financial Inst.	48.46.540	Proof of nonresident pharmacy licensure used by insurance companies to provide drugs to residents	1991	5/09 and 8/10	August 2010
79	Insurance & Financial Inst.	48.31B.015(2)(b)	Source of consideration (identity of the lender) for loan associated with acquiring an insurance company	1993	5/09 and 8/10	August 2010
80	Insurance & Financial Inst.	48.62.101(2)	Local government self-insurance liability reserve funds	1991	5/09 and 8/10	August 2010

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81	Insurance & Financial Inst.	48.74.025(4)	Annual memorandum in support submitted by life insurance companies to the Insurance Commissioner indicating their reserves and signifying sufficient means to meet their obligations	1993	5/09 and 8/10	August 2010
82	Insurance & Financial Inst.	48.94.010(5)	Summary of reasoning for Insurance Commissioner's refusal to issue reinsurance intermediary license	1993	5/09 and 8/10	August 2010
83	Insurance & Financial Inst.	48.130.070	Records of the Interstate Insurance Product Regulation Compact involving privacy of individuals and insurers trade secrets	2005	5/09 and 8/10	August 2010
84	Insurance & Financial Inst.	70.148.060(1)	Examination and proprietary records of potential insurers obtained by the Director of the Washington State Pollution Liability Insurance Agency when soliciting bids to provide reinsurance for owners of underground storage tanks	1989	5/09 and 8/10	August 2010- modify
85	Insurance & Financial Inst.	70.149.090	Business and proprietary information of insurers obtained by the director of the Washington State Pollution Liability Insurance Agency, to provide insurance to owners of heating oil tanks	1995	5/09 and 8/10	Aug-10
86	Insurance & Financial Inst.	42.56.400(6)	Examination reports and information obtained by the Department of Financial Services	1997	Oct. 2010	Sept. 2011
87	Insurance & Financial Inst.	21.20.855	Reports and information from Department of Financial Services examination	1988	Oct. 2010	Sept. 2011
88	Insurance & Financial Inst.	30.04.075(1)	Information obtained by the director of financial institutions when examining	1977	Oct. 2010	Sept. 2011
89	Insurance & Financial Inst.	30.04.230(4)(a)	Information obtained during investigations of out of state banks	1983	Oct. 2010	Sept. 2011
90	Insurance & Financial Inst.	31.12.565(1)	Examination reports and information obtained by the director of financial institutions	1984	Oct. 2010	Sept. 2011
91	Insurance & Financial Inst.	32.04.220(1)	Information from examinations of mutual savings banks	1977	Oct. 2010	Sept. 2011
92	Insurance & Financial Inst.	33.04.110(1)	Information from examinations of savings and loan associations	1977	Oct. 2010	Sept. 2011
93	Insurance & Financial Inst.	32.32.228(3)	Findings disapproving conversion from mutual savings bank to capital stock	1989	Oct. 2010	Sept. 2011
94	Insurance & Financial Inst.	32.32.275	Information applicants deem confidential relating to conversion of mutual savings bank	1981	Oct. 2010	Sept. 2011
95	Insurance & Financial Inst.	7.88.020	Financial institution compliance review documents	1997	Oct. 2010	Sept. 2011
96	Insurance & Financial Inst.	9A.82.170	Information obtained from a financial institution's records pursuant to subpoena	1984	Oct. 2010	Sept. 2011
97	Insurance & Financial Inst.	21.30.855	Reports and information from Department of Financial Services examination	1988	Oct. 2010	Sept. 2011
98	Insurance & Financial Inst.	30.04.410(3)	Findings related to disapprovals of bank acquisitions	1989	Oct. 2010	Sept. 2011
99	Insurance & Financial Inst.	33.24.360(1)(d)	Name of lender financing the acquisition of a savings and loan, if requested	1973	Oct. 2010	Sept. 2011
100	Insurance & Financial Inst.	42.56.450	Personal information on check cashers and sellers licensing applications and	1991; 1995	Oct. 2010	Sept. 2011
101	Insurance & Financial Inst.	31.35.070	Reports on examinations of agricultural lenders	1990	Oct. 2010	Sept. 2011
102	Insurance & Financial Inst.	31.45.030(3)	Addresses and phone numbers and trade secrets of applicants of a check cashing business	1991	Oct. 2010	Sept. 2011
103	Insurance & Financial Inst.	31.45.077(2)	Addresses, phone numbers and trade secrets of applicants for a small loan company	1995	Oct. 2010	Sept. 2011
104	Insurance & Financial Inst.	31.45.090	Trade secrets supplied by licensed check cashers and sellers as part of the	2003	Oct. 2010	Sept. 2011
105	L&I-Injured workers	51.16.070(2)	Information in employer's records obtained by L&I under Industrial Insurance	1957	Oct. 2010	Aug.2011
106	L&I-Injured workers	51.28.070	Information and records of injured workers contained in industrial insurance claim files	1957	Oct. 2010	Aug.2011

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recom- mendation
107	L&I-Injured workers	51.36.110(1)	Information (including patients' confidential information) obtained in audits of health care providers under Industrial Insurance	1994	Oct. 2010	Aug. 2011
108	Personal information	42.56.230(4)	Social Security numbers included as "personal information" exempt from disclosure		Aug.2010	Aug.2010
109	Personal Information	42.56.230(3)	Certain taxpayer information if it would violate taxpayers right of privacy	1973		
110	Personal Information	42.56.230(5)	Personal and financial information related to a small loan or any system of authorizing a small loan in section 6 of this act (RCW 31.45.---)	2009		
111	Personal Information	42.56.230(6)	Personal information required to apply for a driver's license or identicard	2008		
112	L&I-Injured workers	49.17.080(1)	Name of employee of company seeking Industrial Safety & Health Act	1973	Aug. 2011	Aug. 2011
113	L&I-Injured workers	49.17.200	Trade secrets reported to L&I under Wash. Industrial Safety & Health Act	1973	Aug. 2011	Aug. 2011
114	L&I-Injured workers	49.17.210	Identification of employer or employee in L&I studies	1973	Aug. 2011	Aug. 2011
115	L&I-Injured workers	49.17.250(3)	Info obtained by L&I from employer-requested consultation re. Industrial Safety & Health Act	1991	Aug. 2011	Aug. 2011
116	L&I-Injured workers	49.17.260	L&I investigative reports on industrial catastrophes	1973	Aug. 2011	Aug. 2011
117	L&I-Injured workers	51.36.120	Financial or valuable trade info from health care providers, if request	1989	Aug. 2011	Aug. 2011
118	L&I-Injured workers	42.56.400(1)	Board of Industrial Insurance records pertaining to appeals of crime victims' compensation claims		Aug. 2011	Aug. 2011
119	Fish & Wildlife	42.56.430 (1)	Wildlife that would result in unfair competitive disadvantage			
120	Fish & Wildlife	42.56.430 (2)	Sensitive wildlife data obtained by the Department of Fish and Wildlife			
121	Fish & Wildlife	42.56.430 (3)	Personally identifying information of persons who acquire recreational or commercial licenses			
122	Fish & Wildlife	42.56.430(4)	Information subject to confidentiality requirements of Magnuson-Stevens fishery conservation and management reauthorization act of 2006	2008 c 252 s 1		
123	Employment and Licensing	42.56.250(1)	Test questions, scoring keys, and other exam information used on licenses, employment or academics	1973		
124	Employment and Licensing	42.56.250 (2)	Applications for public employment, including names, resumes	1987		
125	Employment and Licensing	42.56.250 (4)	Information from employee seeking advice about unfair practice under 49.60, if requested	1992		
126	Employment and Licensing	42.56.250 (5)	Records of unfair practices investigations by employing agency	1994		
127	Employment and Licensing	42.56.250(6)	Criminal history record checks for investment board finalist candidates	2010		
128	Employment and Licensing	42.56.250(7)	Employee salary and benefit information collected from private employers for salary survey information for maritime employees	1999		
129	Employment and Licensing	42.56.250(8)	Photographs, month/year of birth in personnel files of criminal justice employees; news media has access	2010		

Schedule of Review
Public Records Exemptions Accountability Committee

	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recom- mendation
130	Real estate Appraisals	42.56.260	Real estate appraisals for agency acquisition or sale until project or sale abandoned, but no longer than 3 years in all cases	1973		
131	Investigative, law enfmt and crime victims	42.56.240 (1)	Specific intelligence and investigative information completed by investigative, law enforcement, and penology agencies, and state agencies that discipline members of professions, if essential to law enforcement or a person's right to privacy*	1973		
132	Investigative, law enfmt and crime victims	42.56.240 (2)	Identity of witnesses, victims of crime, or persons who file complaints, if they timely request nondisclosure and disclosure would endanger their life, personal safety, or property—does not apply to PDC complaints			
133	Investigative, law enfmt and crime victims	42.56.240 (3)	Records of investigative reports prepared by any law enforcement agency pertaining to sex offenses or sexually violent offenses which have been transferred to WASPC			
134	Investigative, law enfmt and crime victims	42.56.240 (4)	Information in applications for concealed pistol licenses	1988	May, 2011	May, 2011
135	Investigative, law enfmt and crime victims	42.56.240 (5)	Identifying information regarding child victims of sexual assault	1992	May, 2011	Sept. 2011
136	Investigative, law enfmt and crime victims	42.56.240(6)	Statewide gang database in RCW 43.43.762	2008	May, 2011	Sept. 2011
137	Investigative, law enfmt and crime victims	42.56.240(7)	Data from electronic sales tracking system (pseudophedrine)	2010	May, 2011	May, 2011
138	Investigative, law enfmt and crime victims	42.56.240(8)	Person's identifying info submitted to sex offender notification and registration system to receive notice regarding registered sex offenders	2010	May, 2011	May, 2011
139	Personal Information/proprietary and tax information	RCW 82.36.450(3)	Information filed with Dept. of Licensing or open to DOL inspection under agreement is personal information under RCE 42.56.230(3) (b) and exempt from public inspection and copying.	2007	Sept. 2011	
140	Personal Information/proprietary and tax information	Rcw 82.38.310(3)	Information filed with Dept. of Licensing or open to DOL inspection under agreement is personal information under RCE 42.56.230(3) (b) and exempt from public inspection and copying.	2007	Sept. 2011	
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