



STATE OF WASHINGTON 2012 ANNUAL REPORT

PUBLIC RECORDS EXEMPTIONS ACCOUNTABILITY COMMITTEE “SUNSHINE COMMITTEE”

Governor Chris Gregoire

Attorney General Rob McKenna

Lt. Governor Brad Owen
President of the Senate

Sen. Mike Hewitt
Republican Leader of the Senate

Rep. Frank Chopp
Speaker of the House

Rep. Richard DeBolt
Minority Leader of the House

Chair – State Government and Tribal Affairs Committee

Chair – Government Operations, Tribal Relations & Elections Committee



PUBLIC RECORDS EXEMPTIONS ACCOUNTABILITY COMMITTEE

“SUNSHINE IN GOVERNMENT”

November 15, 2012

EXECUTIVE SUMMARY

The Committee met five times in calendar year 2012 and initiated a comprehensive review of four public records exemptions (*Appendix A*):

1. RCW 42.56.230(2) – disclosure of public employee information
2. RCW 42.56.240(1) – specific intelligence information and investigative records
3. RCW 42.56.240(2) – identities of victims of crime, witnesses, or complainants
4. RCW 42.56.240(3) - records of sex offenses

The review of these four exemptions involved notice to the public and direct outreach to specific stakeholders. The committee received testimony from the public and numerous stakeholders. Significant public policy issues and concerns are involved in this review, especially as it relates to law enforcement and local government operations, and as it relates to personal privacy of crime victims and witnesses. It will require considerable effort before the Committee can make any final recommendations.

The Committee also began the process of updating its Schedule of Review which has grown to over 500 exemptions, in order to be consistent with the Code Reviser’s annual list, and to develop a long term plan of action for the Committee. A copy of the Committee’s Schedule of Review is attached as *Appendix C*.

The Committee also spent considerable time in 2012 evaluating the history of its recommendations since its inception in 2007 and developed a strategy to work with the Legislature on the enactment of those recommendations.

Finally, the Committee engaged in an extensive year-long effort, in conjunction with the Washington State Archives, to modify the Archives Statute, RCW 40.14.030(2), specifically as it relates to exempt records transferred to the State Archives. A copy of the Committee’s recommendation in that regard is attached herewith.

HISTORY OF THE 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 recommendations to the Legislature “as to whether each exemption should be continued without modification, modified, scheduled for sunset review at a future date, or terminated.” RCW 42.56.140(7)(d). The Legislature stated that in light of the changing nature of information technology, record-keeping, and the increasing number of public disclosure exemptions, periodic review of public disclosure exemptions 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 annual report, and summarizes the Committee's work since the November, 2011 report was submitted.

MEMBERS OF THE COMMITTEE

The members are appointed to the Committee by the Governor, Legislature, Attorney General, and State Auditor.

The following individuals served on the Committee in 2012:

Chair, Michael E. Schwab, retired Yakima County Superior Court Judge
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

**On June 4, 2012 Senator Kline resigned from the committee. Contact has been made with the Democratic leadership in the Senate to select a replacement.*

COMMITTEE PRACTICE AND PROCEDURE - 2012

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 each meeting on the website, and when available, the audio or video of the meeting is also posted. In addition, the website invites citizens to join a listserv so that they will receive 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 for the Committee contains links to the TVW website or the audio recording so that the public can view 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 an original schedule for reviewing exemptions in 2007 containing 106 items. The Committee receives an updated list of exemptions from the Office of the Code Reviser each year in August. A new schedule of review, totaling over 500 items, will be posted on the Committee's website. 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 held five meetings in 2012. Minutes of each meeting are available online at the Attorney General's website. The following is a distilled summary of work by the Committee at each meeting:

JANUARY 24, 2012

The Committee received two presentations. Toby Nixon, President of the Washington Coalition for Open Government outlined the history and goals of WACOG and indicated how it could work with the Committee. Ramsey Rammerman provided a guide to assist in the analysis of public records exemptions. The following exemptions were introduced; RCW 42.56.230(2), RCW 42.56.240(1), (2), & (3). Jerry Handfield, WA State Archivist and Russell Wood, State Records Manager addressed the Committee regarding exempt public records transferred to the Archives. Handfield requested assistance from the Committee for clarifying the law (RCW 40.14.030(2)) which governs the time when archival records become non-exempt. A more detailed summary of the Archives proposal is set forth in a separate section below.

MARCH 27, 2012

Tim Ford discussed research of other state laws governing exempt archival public records and presented a proposal for clarifying RCW 40.14.030. Russell Wood from the Archives provided testimony to explain why clarification is necessary to manage exempt archival public records. Public comments were received from Mike Reitz with the Freedom Foundation and WA COG. The Committee also requested ongoing stakeholder input from persons and organizations interested in the Archives such as researchers, historians, and genealogists.

The Committee reviewed the legislative history on exemptions RCW 42.56.230(2), RCW 42.56.240(1), (2), & (3). Public testimony received from Cathy Collings, Lieutenant with the Kitsap County Sheriff's Office, Deborah Boe, Kitsap County Sheriff's Office, Lori Volkman, Clark County Prosecutor's Office, Civil Division, Shane Malony, City Attorney for Mill Creek, Jo Arlow, Policy Director for the WA Association of Sheriff's and Police Chiefs.

Other business - The Committee discussed its prior recommendations to the legislature and future agendas, and established two new subcommittees – an Agenda Committee and Legislative Committee.

MAY 22, 2012

The Committee reviewed a modified proposal to amend RCW 40.14.030(2). Public testimony was received from Doug Klunder, ACLU of WA, Pam Lovinger, Department of Health, Terry Badger and Russell Wood of the WA State Archives, Richard Johnson, Jr. from the Olympia Genealogical Society, and Mike Reitz from the Freedom Foundation. The Committee deliberated on the proposal. A motion to adopt the proposal is tabled for further action and stakeholder input.

The Committee continued discussion of RCW 42.56.240(1). Staff attorney Diane McDaniel discussed relevant cases and a recent WA Supreme Court opinion from Bainbridge Island. Ramsey Rammerman volunteered to work with municipal attorneys to produce a proposal for Committee review.

Other business – The Committee received a presentation from Rowland Thompson on a legislative plan of action for its prior recommendations. The Committee added RCW 2.36.072(4) and RCW 42.56.070(9) to its list of exemptions for review.

AUGUST 21, 2012

The Committee received changes to the proposal to amend RCW 40.14.030(2). Jerry Handfield presented a power point presentation to the Committee on the work of the State Archives. The Committee received written testimony from the Department of Social Health Services. Public testimony was received from Reiko Callner, Executive Director of the State Commission on Judicial Conduct, and also Christie Spice, Department of Health. The Committee deliberated

and made further amendments to the proposal. With one member abstaining, the Committee otherwise unanimously approved the proposal.

Other business – The Committee received the Code Reviser’s 2012 report on exemptions to public disclosure in WA passed by the Legislature in 2012 and discussed the need for revising the Committee’s Schedule of Review. The Committee approved a legislative strategy to pass its prior recommendations.

OCTOBER 16, 2012

The Committee reviewed two bill drafts incorporating its legislative strategy for its prior annual recommendations and decided on further dividing its recommendations into 3 bill requests. The Committee separately deliberated on a bill draft which would incorporate its current recommendations regarding the Archives proposal and decided it needed more work and should not be introduced in the 2013 legislative session. The Committee reviewed a draft of its current annual report to the Legislature and recommended changes.

RECOMMENDATIONS FOR 2012

The committee recommends the legislature adopt three different legislative bills which reflect separate recommendations. (*See Appendix B*) The three bills are:

- 1) Select Committee recommendations contained in sections 2, 4, 5, 7, and 8 of 2nd Substitute Senate Bill 5049.
- 2) The Committee’s 2010 Guardian ad litem recommendation contained in section 1 of 2nd Substitute Senate Bill 5049.
- 3) The Committee’s 2011 recommendations – Statewide Gang Database; Child victims of Sexual Assault; Medical Closed Claim Reporting contained in sections 3, and 6 of 2nd Substitute Senate Bill 5049.

These recommendations are the product of thoughtful and deliberative efforts by the Committee which included extensive input from public stakeholders and interested parties, and the analysis of relevant statutes and court decisions.

ARCHIVES PROPOSAL

At the January 24, 2012 meeting of the committee Washington State Archivist Jerry Handfield and State Records Manager Russell Wood presented their concerns regarding the state archives operations when maintaining records made exempt from public disclosure by law.

The state archives manage and preserve millions of records. Under present law, once a record is exempt from public disclosure it may become open to the public upon transfer to the state archives seventy five years after creation with the concurrence of the originating agency. See RCW 40.14.030(2). The requirement for consent is problematic from both a legal and management perspective.

Seeking concurrence from the originating agency may not be legally necessary for the purpose of determining whether records must be made accessible, despite the language of RCW 40.14.030(2). Any agency may waive certain exemptions for their own agency records. Records of an originating agency become records of the archives upon transfer and they are no longer records of the originating agency. Therefore seeking concurrence from an originating agency for records that belong to the archives makes little legal sense.

From a management perspective there will be a cost savings in time and resources for the archives to clarify the law and remove any requirement for concurrence from the originating agency. Moreover the mission of the archives is to preserve records for the public. It is not part of their mission to preserve records that will remain confidential in perpetuity.

The committee discussed whether a review of RCW 40.14.030(2) would be within the scope of the committee's duties. The purpose of the Public Records Exemptions Accountability Committee is to review public disclosure exemptions and provide recommendations to the governor, attorney general, and legislature. RCW 42.56.140. While RCW 40.14.030(2) is not a specific exemption it is a law which purports to direct the archives in its management of all public records made exempt by law. Therefore it directly relates to the operation of all exemptions that the committee is charged to review. On that basis, the committee agreed it would be appropriate to review and make a recommendation on RCW 40.14.030(2).

The committee reviewed a proposal and subsequent amended proposals to modify RCW 40.14.030(2) during its March, May, and August meetings. The committee conducted outreach for public comment for each of these proposals. At each meeting the committee held public hearings where stakeholders provided public comment and constructive input which was then used by the committee to subsequently produce a final recommendation.

The final recommendation modifies RCW 40.14.030(2) by removing the requirement for the archives to seek consent from an originating agency, provides categories of different types of records and different specified periods when records with a claimed exemptions may be made public after their creation. With one member abstaining, the committee otherwise unanimously approved the final recommendation at its August meeting.

The committee's approved final recommendation on the Archives proposal was delivered to the code reviser for drafting into a bill format. During 2013 the committee will continue to work at developing a bill draft to reflect the committee's recommendation. Once the committee approves a bill draft then it will be submitted to the legislature for the 2014 legislative session. The approved final recommendation is attached in **Appendix D**.

CONCLUSION

The Committee plans to meet at least four times in 2013 and intends to move forward with its task of reviewing exemptions from public disclosure contained in RCW 42.56 and other statutes. The Committee has developed considerable experience in reviewing exemptions and will use that experience to address the many important issues that relate to the disclosure of public records.

Respectfully submitted,



Michael E. Schwab, Chair



APPENDIX A

RCW 42.56.230 – Personal information.

The following personal information is exempt from public inspection and copying under this chapter:

(2) Personal information, including but not limited to, addresses, telephone numbers, personal electronic mail addresses, social security numbers, emergency contact and date of birth information for a participant in a public or nonprofit program serving or pertaining to children, adolescents, or students, including but not limited to early learning or child care services, parks and recreation programs, youth development programs, and after-school programs. Emergency contact information may be provided to appropriate authorities and medical personnel for the purpose of treating the individual during an emergency situation;

RCW 42.56.240 – Investigative, law Enforcement, and crime victims.

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

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

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter [9A.44](#) RCW or sexually violent offenses as defined in RCW [71.09.020](#), which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW [40.14.070\(2\)\(b\)](#);



APPENDIX B

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0117.2/13 2nd draft
ATTY/TYPIST: SCG:lcl
BRIEF DESCRIPTION: Implementing the recommendations of the sunshine committee.

AN ACT Relating to implementing recommendations of the sunshine committee; amending RCW 42.56.330, 48.37.060, and 70.148.060; and reenacting and amending RCW 42.56.230 and 42.56.250.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 42.56.230 and 2011 c 350 s 2 and 2011 c 173 s 1 are each reenacted and amended to read as follows:

The following personal information is exempt from public inspection and copying under this chapter:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;

(2) Personal information((~~7~~)) including, but not limited to, addresses, telephone numbers, personal electronic mail addresses, social security numbers, emergency contact and date of birth information for a participant in a public or nonprofit program serving or pertaining to children, adolescents, or students, including but not limited to early learning or child care services, parks and recreation

programs, youth development programs, and after-school programs. Emergency contact information may be provided to appropriate authorities and medical personnel for the purpose of treating the individual during an emergency situation;

(3) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;

(4) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would: (a) Be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance authorized under RCW 35.102.145; or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer;

(5) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial (~~account numbers~~) information as defined in RCW 9.35.005 including social security numbers, except when disclosure is expressly required by or governed by other law;

(6) Personal and financial information related to a small loan or any system of authorizing a small loan in RCW 31.45.093; and

(7)(a) Documents and related materials and scanned images of documents and related materials used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicard.

(b) Information provided under RCW 46.20.111 that indicates that an applicant declined to register with the selective service system.

Sec. 2. RCW 42.56.250 and 2010 c 257 s 1 and 2010 c 128 s 9 are each reenacted and amended to read as follows:

The following employment and licensing information is exempt from public inspection and copying under this chapter:

(1) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination;

(2) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant, subject to the following exceptions:

(a) The applications of finalists applying for the highest management position in a public agency, county, or local government department with confidential reference information removed or redacted is not exempt from inspection and copying; and

(b) Application materials not exempt from inspection and copying must be available to the public after the finalists are selected, but before the agency, county, or local government makes its decision;

(3) The residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency. For purposes of this subsection, "employees" includes independent provider home care workers as defined in RCW 74.39A.240;

(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;

(5) Investigative records compiled by an employing agency conducting an active and ongoing 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;

(6) Criminal history records checks for board staff finalist candidates conducted pursuant to RCW 43.33A.025;

(7) Except as provided in RCW 47.64.220, salary and benefit information for maritime employees collected from private employers under RCW 47.64.220(1) and described in RCW 47.64.220(2); and

(8) Photographs and month and year of birth in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth. For the purposes of this subsection, news media does not include any person or organization of persons in the custody of a criminal justice agency as defined in RCW 10.97.030.

For the purposes of this section, "employment" does not include service on boards or commissions where the individual does not receive pay or benefits, even if that individual may receive minimal reimbursement or stipend for expenses.

Sec. 3. RCW 42.56.330 and 2012 c 68 s 4 are each amended to read as follows:

The following information relating to public utilities and transportation is exempt from disclosure under this chapter:

(1) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095;

(2) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order;

(3) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service(~~(; however, these records)~~). Participant's names, general

locations, and e-mail addresses may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides;

(4) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons;

(5) The personally identifying information of persons who acquire and use transit passes or other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose personally identifying information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media for the purpose of preventing fraud(~~(, or to the news media when reporting on public transportation or public safety)~~). As used in this subsection, "personally identifying information" includes acquisition or use information pertaining to a specific, individual transit pass or fare payment media.

(a) Information regarding the acquisition or use of transit passes or fare payment media may be disclosed in aggregate form if the data does not contain any personally identifying information.

(b) Personally identifying information may be released to law enforcement agencies if the request is accompanied by a court order;

(6) Any information obtained by governmental agencies that is collected by the use of a motor carrier intelligent transportation system or any comparable information equipment attached to a truck, tractor, or trailer; however, the information may be given to other governmental agencies or the owners of the truck, tractor, or trailer from which the information is obtained. As used in this subsection, "motor carrier" has the same definition as provided in RCW 81.80.010;

(7) The personally identifying information of persons who acquire and use transponders or other technology to facilitate payment of tolls. This information may be disclosed in aggregate form as long as

the data does not contain any personally identifying information. For these purposes aggregate data may include the census tract of the account holder as long as any individual personally identifying information is not released. Personally identifying information may be released to law enforcement agencies only for toll enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order; and

(8) The personally identifying information of persons who acquire and use a driver's license or identocard that includes a radio frequency identification chip or similar technology to facilitate border crossing. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. Personally identifying information may be released to law enforcement agencies only for United States customs and border protection enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order.

Sec. 4. RCW 48.37.060 and 2011 1st sp.s. c 43 s 460 are each amended to read as follows:

(1) When the commissioner determines that other market conduct actions identified in RCW 48.37.040(4)(a) have not sufficiently addressed issues raised concerning company activities in Washington state, the commissioner has the discretion to conduct market conduct examinations in accordance with the NAIC market conduct uniform examination procedures and the NAIC market regulation handbook.

(2)(a) In lieu of an examination of an insurer licensed in this state, the commissioner shall accept an examination report of another state, unless the commissioner determines that the other state does not have laws substantially similar to those of this state, or does not have a market oversight system that is comparable to the market conduct oversight system set forth in this law.

(b) The commissioner's determination under (a) of this subsection is discretionary with the commissioner and is not subject to appeal.

(c) If the insurer to be examined is part of an insurance holding company system, the commissioner may also seek to simultaneously examine any affiliates of the insurer under common control and management which are licensed to write the same lines of business in this state.

(3) Before commencement of a market conduct examination, market conduct oversight personnel shall prepare a work plan consisting of the following:

- (a) The name and address of the insurer being examined;
- (b) The name and contact information of the examiner-in-charge;
- (c) The name of all market conduct oversight personnel initially assigned to the market conduct examination;
- (d) The justification for the examination;
- (e) The scope of the examination;
- (f) The date the examination is scheduled to begin;
- (g) Notice of any noninsurance department personnel who will assist in the examination;
- (h) A time estimate for the examination;
- (i) A budget for the examination if the cost of the examination is billed to the insurer; and
- (j) An identification of factors that will be included in the billing if the cost of the examination is billed to the insurer.

(4)(a) Within ten days of the receipt of the information contained in subsection (3) of this section, insurers may request the commissioner's discretionary review of any alleged conflict of interest, pursuant to RCW 48.37.090(2), of market conduct oversight personnel and noninsurance department personnel assigned to a market conduct examination. The request for review shall specifically describe the alleged conflict of interest in the proposed assignment of any person to the examination.

(b) Within five business days of receiving a request for discretionary review of any alleged conflict of interest in the proposed assignment of any person to a market conduct examination, the commissioner or designee shall notify the insurer of any action

regarding the assignment of personnel to a market conduct examination based on the insurer's allegation of conflict of interest.

(5) Market conduct examinations shall, to the extent feasible, use desk examinations and data requests before an on-site examination.

(6) Market conduct examinations shall be conducted in accordance with the provisions set forth in the NAIC market regulation handbook and the NAIC market conduct uniform examinations procedures, subject to the precedence of the provisions of chapter 82, Laws of 2007.

(7) The commissioner shall use the NAIC standard data request.

(8) Announcement of the examination shall be sent to the insurer and posted on the NAIC's examination tracking system as soon as possible but in no case later than sixty days before the estimated commencement of the examination, except where the examination is conducted in response to extraordinary circumstances as described in RCW 48.37.050(2)(a). The announcement sent to the insurer shall contain the examination work plan and a request for the insurer to name its examination coordinator.

(9) If an examination is expanded significantly beyond the original reasons provided to the insurer in the notice of the examination required by subsection (3) of this section, the commissioner shall provide written notice to the insurer, explaining the expansion and reasons for the expansion. The commissioner shall provide a revised work plan if the expansion results in significant changes to the items presented in the original work plan required by subsection (3) of this section.

(10) The commissioner shall conduct a preexamination conference with the insurer examination coordinator and key personnel to clarify expectations at least thirty days before commencement of the examination, unless otherwise agreed by the insurer and the commissioner.

(11) Before the conclusion of the field work for market conduct examination, the examiner-in-charge shall review examination findings to date with insurer personnel and schedule an exit conference with the insurer, in accordance with procedures in the NAIC market regulation handbook.

(12) (a) No later than sixty days after completion of each market conduct examination, the commissioner shall make a full written report of each market conduct examination containing only facts ascertained from the accounts, records, and documents examined and from the sworn testimony of individuals, and such conclusions and recommendations as may reasonably be warranted from such facts.

(b) The report shall be certified by the commissioner or by the examiner-in-charge of the examination, and shall be filed in the commissioner's office subject to (c) of this subsection.

(c) The commissioner shall furnish a copy of the market conduct examination report to the person examined not less than ten days and, unless the time is extended by the commissioner, not more than thirty days prior to the filing of the report for public inspection in the commissioner's office. If the person so requests in writing within such period, the commissioner shall hold a hearing to consider objections of such person to the report as proposed, and shall not so file the report until after such hearing and until after any modifications in the report deemed necessary by the commissioner have been made.

(d) Within thirty days of the end of the period described in (c) of this subsection, unless extended by order of the commissioner, the commissioner shall consider the report, together with any written submissions or rebuttals and any relevant portions of the examiner's work papers and enter an order:

(i) Adopting the market conduct examination report as filed or with modification or corrections. If the market conduct examination report reveals that the company is operating in violation of any law, rule, or order of the commissioner, the commissioner may order the company to take any action the commissioner considers necessary and appropriate to cure that violation;

(ii) Rejecting the market conduct examination report with directions to the examiners to reopen the examination for purposes of obtaining additional data, documentation, or information, and refiling under this subsection; or

(iii) Calling for an investigatory hearing with no less than twenty days' notice to the company for purposes of obtaining additional documentation, data, information, and testimony.

(e) All orders entered under (d) of this subsection must be accompanied by findings and conclusions resulting from the commissioner's consideration and review of the market conduct examination report, relevant examiner work papers, and any written submissions or rebuttals. The order is considered a final administrative decision and may be appealed under the administrative procedure act, chapter 34.05 RCW, and must be served upon the company by certified mail or certifiable electronic means, together with a copy of the adopted examination report. A copy of the adopted examination report must be sent by certified mail or certifiable electronic means to each director at the director's residential address or to a personal e-mail account.

(f) (i) Upon the adoption of the market conduct examination report under (d) of this subsection, the commissioner shall continue to hold the content of the examination report as private and confidential information for a period of five days except that the order may be disclosed to the person examined. Thereafter, the commissioner (~~may~~) must open the report for public inspection so long as no court of competent jurisdiction has stayed its publication.

(ii) If the commissioner determines that regulatory action is appropriate as a result of any market conduct examination, he or she may initiate any proceedings or actions as provided by law.

(iii) Nothing contained in this subsection requires the commissioner to disclose any information or records that would indicate or show the existence or content of any investigation or activity of a criminal justice agency.

(g) The insurer's response shall be included in the commissioner's order adopting the final report as an exhibit to the order. The insurer is not obligated to submit a response.

(13) Except as provided in subsection (12)(f)(i) of this section, the commissioner may withhold from public inspection any examination or investigation report for so long as he or she deems it advisable.

(14) (a) Market conduct examinations within this state of any insurer domiciled or having its home offices in this state, other than a title insurer, made by the commissioner or the commissioner's examiners and employees shall, except as to fees, mileage, and expense incurred as to witnesses, be at the expense of the state.

(b) Every other examination, whatsoever, or any part of the market conduct examination of any person domiciled or having its home offices in this state requiring travel and services outside this state, shall be made by the commissioner or by examiners designated by the commissioner and shall be at the expense of the person examined; but a domestic insurer shall not be liable for the compensation of examiners employed by the commissioner for such services outside this state.

(c) When making a market conduct examination under this chapter, the commissioner may contract, in accordance with applicable state contracting procedures, for qualified attorneys, appraisers, independent certified public accountants, contract actuaries, and other similar individuals who are independently practicing their professions, even though those persons may from time to time be similarly employed or retained by persons subject to examination under this chapter, as examiners as the commissioner deems necessary for the efficient conduct of a particular examination. The compensation and per diem allowances paid to such contract persons shall be reasonable in the market and time incurred, shall not exceed one hundred twenty-five percent of the compensation and per diem allowances for examiners set forth in the guidelines adopted by the national association of insurance commissioners, unless the commissioner demonstrates that one hundred twenty-five percent is inadequate under the circumstances of the examination, and subject to the provisions of (a) of this subsection.

(d) (i) The person examined and liable shall reimburse the state upon presentation of an itemized statement thereof, for the actual travel expenses of the commissioner's examiners, their reasonable living expenses allowance, and their per diem compensation, including salary and the employer's cost of employee benefits, at a reasonable rate approved by the commissioner, incurred on account of the

examination. Per diem, salary, and expenses for employees examining insurers domiciled outside the state of Washington shall be established by the commissioner on the basis of the national association of insurance commissioner's recommended salary and expense schedule for zone examiners, or the salary schedule established by the human resources director and the expense schedule established by the office of financial management, whichever is higher. A domestic title insurer shall pay the examination expense and costs to the commissioner as itemized and billed by the commissioner.

(ii) The commissioner or the commissioner's examiners shall not receive or accept any additional emolument on account of any examination.

(iii) Market conduct examination fees subject to being reimbursed by an insurer shall be itemized and bills shall be provided to the insurer on a monthly basis for review prior to submission for payment, or as otherwise provided by state law.

(e) Nothing contained in this chapter limits the commissioner's authority to terminate or suspend any examination in order to pursue other legal or regulatory action under the insurance laws of this state. Findings of fact and conclusions made pursuant to any examination are prima facie evidence in any legal or regulatory action.

(f) The commissioner shall maintain active management and oversight of market conduct examination costs, including costs associated with the commissioner's own examiners, and with retaining qualified contract examiners necessary to perform an examination. Any agreement with a contract examiner shall:

(i) Clearly identify the types of functions to be subject to outsourcing;

(ii) Provide specific timelines for completion of the outsourced review;

(iii) Require disclosure to the insurer of contract examiners' recommendations;

(iv) Establish and use a dispute resolution or arbitration mechanism to resolve conflicts with insurers regarding examination fees; and

(v) Require disclosure of the terms of the contracts with the outside consultants that will be used, specifically the fees and/or hourly rates that can be charged.

(g) The commissioner, or the commissioner's designee, shall review and affirmatively endorse detailed billings from the qualified contract examiner before the detailed billings are sent to the insurer.

Sec. 5. RCW 70.148.060 and 2005 c 274 s 341 are each amended to read as follows:

(1) All ~~((examination and proprietary reports and))~~ information except for proprietary reports or information obtained by the director and the director's staff in soliciting bids from insurers and in monitoring the insurer selected by the director 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 part of examination reports prepared by the director or by any person, firm, corporation, association, or other entity preparing the reports on behalf of the director to:

(a) The Washington state insurance commissioner;

(b) A person or organization officially connected with the insurer as officer, director, attorney, auditor, or independent attorney or independent auditor; and

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

(3) Subsection (1) of this section notwithstanding, the director may furnish all or part of the examination or proprietary reports or information obtained by the director to:

(a) The Washington state insurance commissioner; and

(b) A person, firm, corporation, association, governmental body, or other entity with whom the director has contracted for services necessary to perform his or her official duties.

(4) (~~Examination reports and~~) Proprietary information obtained by the director and the director's staff (~~are~~) is not subject to public disclosure under chapter 42.56 RCW.

(5) A person who violates any provision of this section is guilty of a gross misdemeanor.

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0133.1/13

ATTY/TYPIST: SCG:lel

BRIEF DESCRIPTION: Implementing the recommendations of the sunshine committee.

AN ACT Relating to implementing recommendations of the sunshine committee; and amending RCW 42.56.240 and 42.56.400.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 42.56.240 and 2012 c 88 s 1 are each amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

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

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the

commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies;

(5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information (~~means~~) includes, but is not limited to the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator;

(6) Information contained in a local or regionally maintained gang database as well as the statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165;

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and e-mail address; and

(9) Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs

and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business.

Sec. 2. RCW 42.56.400 and 2012 2nd sp.s. c 3 s 8 are each amended to read as follows:

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;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(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;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070;

~~(10) ((Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:~~

~~— (a) "Claimant" has the same meaning as in RCW 48.140.010(2).~~

~~— (b) "Health care facility" has the same meaning as in RCW 48.140.010(6).~~

~~— (c) "Health care provider" has the same meaning as in RCW 48.140.010(7).~~

~~— (d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).~~

~~— (e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);~~

~~(11))~~ Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

~~((12))~~ (11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

~~((13))~~ (12) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

~~((14))~~ (13) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

~~((15))~~ (14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

~~((16))~~ (15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7) (a) (ii);

~~((17))~~ (16) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

~~((18))~~ (17) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

~~((19))~~ (18) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

~~((20))~~ (19) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5) (b); and

~~((21))~~ (20) Data, information, and documents, other than those described in RCW 48.02.210(2), that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 and 48.02.210.



APPENDIX C

**Schedule of Review
Public Records Exemptions Accountability Committee
Sunshine Committee**

	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
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

**Schedule of Review
Public Records Exemptions Accountability Committee
Sunshine Committee**

	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
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
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

**Schedule of Review
Public Records Exemptions Accountability Committee
Sunshine Committee**

	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
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	
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

**Schedule of Review
Public Records Exemptions Accountability Committee
Sunshine Committee**

	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
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)	Personally identifying 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

**Schedule of Review
Public Records Exemptions Accountability Committee
Sunshine Committee**

	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
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
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 Commissioner	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

**Schedule of Review
Public Records Exemptions Accountability Committee
Sunshine Committee**

	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
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	
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

**Schedule of Review
Public Records Exemptions Accountability Committee
Sunshine Committee**

	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
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

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

**Schedule of Review
Public Records Exemptions Accountability Committee
Sunshine Committee**

	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
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 Institutions from banking institutions	1997	Oct. 2010	Sept. 2011
87	Insurance & Financial Inst.	21.20.855	Reports and information from Department of Financial Services examinations	1988	Oct. 2010	Sept. 2011
88	Insurance & Financial Inst.	30.04.075(1)	Information obtained by the director of financial institutions when examining banks and trust companies	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 while examining credit unions	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 savings bank	1989	Oct. 2010	Sept. 2011
94	Insurance & Financial Inst.	32.32.275	Information applicants deem confidential relating to conversion of mutual savings bank to capital stock savings bank	1981	Oct. 2010	Sept. 2011

**Schedule of Review
Public Records Exemptions Accountability Committee
Sunshine Committee**

	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
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 under the Criminal Profiteering Act	1984	Oct. 2010	Sept. 2011
97	Insurance & Financial Inst.	21.30.855	Reports and information from Department of Financial Services examinations	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 by the applicant	1973	Oct. 2010	Sept. 2011
100	Insurance & Financial Inst.	42.56.450	Personal information on check cashers and sellers licensing applications and small loan endorsements	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 casher or seller license	1991	Oct. 2010	Sept. 2011
103	Insurance & Financial Inst.	31.45.077(2)	Addresses, phone numbers and trade secrets of applicants	1995	Oct. 2010	Sept. 2011
104	Insurance & Financial Inst.	31.45.090	Trade secrets supplied by licensed check cashers and sellers	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
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		

**Schedule of Review
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	Category	RCW	Description	Date	Materials	Recommendation
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	Category	(effective 2006)	Description	Enacted	Presented	Recommendation
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 identicaid	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)	Commercial fishing catch data provided to the Department of Fish and 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	Personal information	66.16.090	Records of LCB showing individual purchases of liquor-confidential	1933		

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
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 employin	1994		
127	Employment and Licensing	42.56.250(6)	Criminal history record checks for investment board fir	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		
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 license	1988	May, 2011	May, 2011
135	Investigative, law enfmt and crime victims	42.56.240 (5)	Identifying information regarding child victims of sexual abuse	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

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
137	Investigative, law enfmt and crime victims	42.56.240(7)	Data from electronic sales tracking system (pseudoph	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 RCW 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 RCW 42.56.230(3) (b) and exempt from public inspection and copying.	2007	Sept. 2011	
141	Lists of Individuals	RCW 42.56.070(9)	Lists of individuals for commercial purposes	1973		
142	Juries	RCW 2.36.072(4)	Information provided to court for preliminary determination of statutory qualification for jury duty	1993		
143	Personal Information	42.56.230 (7)(a)	Personal information required to apply for a driver's license or identicard	2008 c 200 s 5		
144	Financial, Commercial, and Proprietary Information	42.56.230 (7)(b)	Persons who decline to register for selective service under RCW 46.20.111	2011 c 350 s 2		
145	Financial, Commercial, and Proprietary Information	42.56.270 (1)	Valuable formulae, designs, drawings and research obtained by agency within 5 years of request for disclosure if disclosure would produce private gain and public loss	1973 (I-276)		
146	Financial, Commercial, and Proprietary Information	42.56.270 (2)	Financial information supplied by a bidder on ferry work or highway construction	1983		
147	Financial, Commercial, and Proprietary Information	42.56.270 (3)	Financial information and records filed by persons pertaining to export services	1986		
148	Financial, Commercial, and Proprietary Information	42.56.270 (4)	Financial information in economic development loan applications	1987		

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
149	Financial, Commercial, and Proprietary Information	42.56.270 (5)	Financial information obtained from business and industrial development corporations	1989		
150	Financial, Commercial, and Proprietary Information	42.56.270 (6)	Financial information on investment of retirement moneys and public trust investments	1989		
151	Financial, Commercial, and Proprietary Information	42.56.270 ((7)	Financial and trade information supplied by and under industrial insurance coverage	1989		
152	Financial, Commercial, and Proprietary Information	42.56.270 (8)	Financial information obtained by the Clean Washington Center for services related to marketing recycled products	1994		
153	Financial, Commercial, and Proprietary Information	42.56.270 (9)	Financial and commercial information requested by public stadium authority from leaser	1997		
154	Financial, Commercial, and Proprietary Information	42.56.270 (10)	Financial information supplied for application for a liquor, gambling, or lottery retail licenses			
155	Financial, Commercial, and Proprietary Information	42.56.270 (11)	Proprietary data, trade secrets, or other information submitted by any vendor to DSHS for purposes of state purchased health care			
156	Financial, Commercial, and Proprietary Information	42.56.270 (12) (a) (i)	Financial or proprietary information supplied to DCTED in furtherance of the state's economic and community development efforts	1993, 1989??		
157	Financial, Commercial, and Proprietary Information	42.56.270 (12) (a) (ii)	Financial or proprietary information provided to the DCTED regarding businesses proposing to locate in the state	1999??		
158	Financial, Commercial, and Proprietary Information	42.56.27 (14)	Financial, commercial, operations, and technical and research information obtained by the life sciences discovery fund authority	2005 (c424s6)7/25/2006		
159	Financial, Commercial, and Proprietary Information	42.56.270(20)	Financial and commercial information submitted to or obtained by the University of Washington relating to investments in private funds	2009 c 384 s 3		

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
160	Financial, Commercial, and Proprietary Information	42.56.270(21)	Financial, commercial, operations, and technical and research information submitted to or obtained by innovate Washington under chapter 43.333	2011 1st sp. s. c 14 s 15		
161	Preliminary records containing opinions or policy formulations	42.56.280	Preliminary drafts, notes, recommendations, and intra-agency memos where opinions are expressed or policies formulated or recommended, unless cited by an agency	1973 (I-276)		
162	Archaeological sites	42.56.300	Information identifying the location of archaeological sites	1976		
163	Library records	42.56.310	Library records disclosing the identity of a library user	1982		
164	Educational Information	42.56.320 (1)	Financial disclosures filed by private vocational schools	1986		
165	Educational Information	42.56.320 (2)	Financial and commercial information relating to the purchase or sale of tuition units			
166	Educational Information	42.56.320 (3)	Individually identifiable information received by the WFTECB for research or evaluation purposes			
167	Educational Information	42.56.320 (4)	Information on gifts, grants, or bequests to institutions of higher education (1975)	1975		
168	Educational Information	42.56.320(5)	The annual declaration of intent filed by parents for a child to receive home-based instruction	2009 c 191 s 1		

169	Timeshare, condominium owner lists	42.56.340	Membership lists and lists of owners of interests in timeshare projects, condominiums, land developments, or common-interest communities, regulated by the Department of Licensing	1987		
170	Health Professionals	42.56.350 (1)	SSNs of health care professionals maintained in files of the Dept. of Health	1993		
171	Health Professionals	42.56.350 (2)	Residential address and telephone numbers of health care providers maintained in files of the Dept. of Health	1993		
172	Health Care	42.56.360 (1) (a) and 69.45.090	Records and information supplied by drug manufacturers to the Board of Pharmacy	1989		
173	Health Care	42.56.360 (1) (b)	Pharmaceutical manufacturer information obtained by the Board of Pharmacy	1989		

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
174	Health Care	42.56.360 (1) (c)	Information and documents created, collected, and maintained by the Health Care Services Quality Improvement Program and Medical Malpractice Prevention Program	1995		
175	Health Care	42.56.360 (1) (d)	Proprietary financial and commercial information provided to Dept. of Health relating to an antitrust exemption	1997		
176	Health Care	42.56.360 (1) (e)	Physicians in the impaired physicians program	1987, 1994, 2001		
177	Health Care	Moved to 42.56.360(3)	Information relating to infant mortality pursuant to RCW 70.05.170 - Reviewed 3/08 rec	1992		
178	Health Care			2010 c 128 s 3		
179	Health Care	42.56.360 (1) (f)	Complaints filed under the Health Care Professions Uniform Disciplinary Act	1997		
180	Health Care			2010 c 128 s 3		
181	Health Care	42.56.360(1)(i)	Information collected by the department of health under chapter 70.245 RCW.	2009 c 1 s 1		
182	Health Care		Limited to information re: wellness program under 41.04.362 Reviewed 7/2008	2010 c 128 s 3		
183	Health Care	42.56.360 (2) and 70.02	Health care information disclosed to health care provider without patients permission	1991		
184	Health Care	42.56.360(3)(a)	Documents relating to infant mortality reviews	2010 c 128 s 3		
185	Health Care	70.105.170(1)		2010 c 128 s 1		
186	Domestic Violence	42.56.370	Client records of community sexual assault program or services for underserved populations	1991		
187	Domestic Violence			2012 c 29 s 13		
188	Agriculture and Livestock	42.56.380(11)	Records of international livestock importation that are not disc losable by the U.S.D.A. under federal law.	2012 c 168 s 1(11)		
189		42.56.380(12)	Records related to entry of prohibited agricultural products imported into Washington that are not disc losable by the U.S.D.A. under federal law	2012 c 168 s 1(12)		
190	Emergency or Transitional Housing	42.56.390	Names of individuals residing in emergency or transitional housing furnished to the Dept. of Revenue or a county assessor	1997		

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
191	Insurance & Financial Inst.	42.56.400(16)	Documents, materials, or information obtained by the insurance commissioner under RCW 48.102-.051 (1) and 48.102-.140 (3) and (7)(a)(ii)	2009 c 104 s 37		
192		42.52.400(17)	Documents, materials, or information obtained by the insurance commissioner under RCW 48.31.025 and 48.99.025	2010 c 97 s 3		
193		42.56.400(18)	Documents, material, or information relating to investment policies obtained by the insurance commissioner under RCW 48.13.151	2011 c 188 s 21		
194		42.56.400 (19)	Data from (temporary) study on small group health plan market	2010 c 172 s 2		
195		42.56.400(20)	Information in a filing of usage-based component of the rate pursuant to RCW 48.19.040(5)(b)	2012 c 222 s 1		
196		42.56.400(21)	Data, information, and documents submitted to the insurance commissioner by an entity providing health care pursuant to RCW 28A.400.275 and 48.02.--- (section 5 of this act)	2012 2 nd sp. s. c 3 s 8		
197	Employment Security	42.56.410	Most records and information supplied to the Employment Security Department			
198	Security	42.56.420 (1)	Records relating to criminal terrorist acts			
199		42.56.420 (2)	Records containing specific and unique vulnerability assessments and emergency and escape response plans – adds civil commitment facilities	2009 c 67 s 1		
200		42.56.420 (3)	Comprehensive safe school plans that identify specific vulnerabilities			
201		42.56.420 (4)	Information regarding infrastructure and security of computer and telecommunications networks to the extent that they identify specific system vulnerabilities	1999		
202		42.56.420 (5)	Security sections of transportation security plans for fixed guideway systems			
203	Fish and wildlife					

204	Veterans' discharge papers	42.56.440	Veterans' discharge papers			
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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
205	Fireworks	42.56.460	Records obtained and reports produced on fireworks regulation.	1995		
206	Correctional industries workers	42.56.470	Records pertaining to correctional industries class I work programs	2004		
207	Inactive programs Inactive programs	42.56.480 (1)	Contracts files by railroad companies with the UTC prior to 7/28/91	1984		
208		42.56.480 (2)	Personal information in international contact data base	1996 c 253 s 502		
209		42.56.480 (3)	Data collected by DSHS pertaining to payment systems for licensed boarding homes	2003		
210	Agency public records officers	42.56.580	State and local agency responsibilities for appointing and publicly identifying public records officers	2005 c 483 s 3		
211	Security breaches	42.56.590	Agency procedures for disclosing security breaches of computerized information including personal information	2005 c 368 s 1		
212	Mediation Communication	42.56.600	Records of mediation communications that are privileged under the Uniform Mediation Act	2005 c 424 s 16		
213		1.08.027	Code Reviser drafting services	1951		
214		2.64.111	Judicial conduct commission investigations and initial proceedings	1989		
215		4.24.250	Hospital review committee records on professional staff	1971		
216		4.24.601	Trade secrets and confidential research, development or commercial information	1994		
217		4.24.611	Trade secrets, confidential research, development or commercial information concerning products or business methods	1994		
218		4.92.210	Information in centralized risk management claim tracking system	1989		
219		5.60.060	General statements of privileged communications between persons & various professionals, e.g., attorneys or physicians – presumably applies to records	1954 & later dates		
220		5.60.070	Materials used in any court ordered mediation	1991		

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
221		7.07.050 (5)	Mediation communications	2005		
222		7.07.070	Mediation communications	2005		
223		7.68.080(9)(a)	The director may examine records of health care provider notwithstanding any statute that makes the records privileged or confidential	2011 c 346 s 501		
224		7.68.080(10)	At the request of health care contractor, department must keep financial and trade information confidential	2011 c 346 s 501		
225		7.68.140	Records re. Victims of crimes confidential & not open to inspection	1973		
226		7.69.A.030 (4)	Name, address, or photograph of child victim or child witness	1985		
227		7.75.050	County or city dispute resolution center records	1984		
228		7.88.020 & .30	Financial institution compliance review documents	1997		
229		9.02.100	General statement of fundamental right to reproductive privacy – could apply to records	1991		
230		9.41.097 (2)	Mental health info provided on persons buying pistols or applying for concealed pistol licenses	1994		
231		9.41.129	Concealed pistol license applications	1994		
232		9.73.230	Name of confidential informants in written report on wire tapping	1989		
233		72.09.710 (recod eff 8/1/09)	Names of witnesses notified when drug offenders released	1991		
234				Recod 2008 c 231 s 26		
235		72.09.712 (recod eff 8/1/09)	Names of victims, next of kin, or witnesses who are notified when prisoner escapes, on parole, or released	1985		
236				Recod 2008 c 231 s 27		
237		9.94A.745	Records of the interstate Commission for Adult Offender Supervision that would adversely affect personal privacy rights or proprietary interests	2002		
238		9.94A.885	Information regarding victims, survivors of victims, or witnesses that are sent clemency hearing notices may not be released to offender	1999		

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
239		9A.44.138	Sex offender registration information given to high school or institution of higher education regarding an employee or student is confidential	2011 c 337 s 4		
240		10.27.090	Grand jury testimony	1971		

241		10.27.160	Grand jury reports	1971		
242		10.29.030 Repealed	Records of special organized crime inquiry judge	1980		
243				2009 c 560 s 24		
244		10.29.090 Repealed	Budget and accounting records of special organized crime inquiry judge	1980		
245				2009 c 560 s 24		
246		10.52.100	Identity of child victims of sexual assault	1992		
247		10.77.205	Information about victims, next of kin, or witnesses requesting notice of release of convicted sex or violent offenders	1990		
248		10.77.210	Records of persons committed for criminal insanity	1973		
249		10.97 RCW	Privacy of criminal records, including criminal history information on arrests, detention, indictment, information, or other formal criminal charges made after 12/31/77 unless dispositions are included	1977		
250		10.97.130	Names of victims of sexual assaults who are 18 years of age or younger	1992		
251		10.101.020	Information given by persons to determine eligibility for indigent defense	1989		
252		13.40.150	Sources of confidential information in dispositional hearings on juvenile offenses	1977		
253		13.40.215 and .217	Information about victims, next of kin, or witnesses requesting notice of release of juvenile convicted of violent sex offense or stalking	1990		
254		13.50.010(11)	Electronic research copy of juvenile records maintains same level of confidentiality and anonymity as juvenile records in judicial information system	2009 c 440 s 1		

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
255		13.50.010(12)	Information in records released to the Washington state office of public defense retain confidential nature	2009 c 440 s 1		
256		13.50.050(3)	Records on commission of juvenile crimes	1979		
257		13.50.010(14)(b)	Records of juveniles who receive a pardon are confidential, including the existence or nonexistence of the record	2011 c 338 s 4		
258		13.50.100(2)	Juvenile justice or care agency records not relating to commission of juvenile crimes	1979		
259		15.19.080	Information on purchases, sales, or production of ginseng by individual growers or dealers (see also 42.56.380 (6))	1998		
260		16.65.030 (1)(d)	Financial statement info in public livestock market license applications	2003		
261	Health Care Professions	18.130.095 (1) (a)	Complaints filed under uniform disciplinary act for health professionals	1997		
262	Health Care Professions	18.130.172 (1)	Summary and stipulations in complaints against health care professionals	1993		
263	Health Care Professions	18.130.175 (4)	Voluntary substance abuse records on health care professionals	1988		
264	Health Care Professions	18.130.057 (c 157 s 1(2)(b)	Disciplining authority may not disclose information in a file that contains confidential or privileged information regarding a patient other than the person making the complaint or report	2011 c 157 s 1		
265	Counselors	18.19.180	Information counselors acquire and acknowledgement of practice disclosure statements	1987		
266	Boarding Homes	18.20.120	Identity of individual or name of boarding homes from boarding home licensing records	1959		
267		18.20.390	Information and documents created, collected and maintained by a quality assurance committee	2004		

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
268		18.32.040	Implication that information in dentistry registration records is only accessible by the registered person unless disclosure would compromise the examination process	1937		
269		18.39.510 (1)	Complaints against embalmers and funeral directors	1994		
270		18.44.031 (2)	Personal information in applications for escrow agent licenses	1999		
271		18.46.090	Information on maternity homes received by Dept. of Health identifying individuals or maternity homes	1951		
272		18.53.200	Information and records of optometrists	1975		
273		18.64.420	Records obtained by Dept. of Health regarding various insurance companies	1991		
274		18.71.0195	Contents of physician disciplinary report	1979		
275		18.71.340	Entry records under impaired physician program	1987		

276		18.83.110	Communications between client and psychologist—could apply to records	1955		
277		18.106.320 (2)	Info obtained from contractors on plumbing trainee hours	2002		
278	Health Care Professions	18.130.095(1)(a)	Complaints filed under uniform disciplinary act for health professionals	1997		
279		18.130.172.(1)	Summary and stipulations in complaints against health care professionals	1993		
280		18.130.095 (1)(a)	Complaint of unprofessional conduct against health profession licensee	1997		
281		18.130.175(4)	Voluntary substance abuse records on health care professionals	1988		
282		18.130.175 (4)	Substance abuse treatment records of licensed health professionals			
283		18.330.050 (2)(f)	On referral disclosure statement, must include statement that agency will need client authorization to obtain or disclose confidential information	2011 c 357 s 6		

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
284		19.02.115	Master license service program licensing information is confidential and privileged except as provided in this section	2011 c 298 s 12		
285		19.16.245	Collection agency financial statements	1973		
286		19.28.171	Info obtained from electrical contractors on electrical trainee hours	1996		
287		19.28.515	Information obtained from electrical contractor by Department of Licenses	1996		
288		19.34.240	Private keys under the electronic authentication act	1996		
289		19.34.420	Electronic authentication info	1998		
290		19.108.020	Equitable remedies to preserve secrecy of trade secrets	1981		
291		19.146.290 (2)	Trade secrets in mortgage broker annual reports	2006		
292		19.146.370(4)	Chapter 42.56 RCW relating to supervisory information or information subject to subsection (1) of this section is superseded by this section	2009 c 528 s 15		
293		19.230.190	Money transfer licensing information	2003		
294	Health Care Professions	19.330.080(5)	Confidential technology information used in manufacturing products sold in state is subject to a protective order	2011 c 98 s 8		
295		21.20.480	Security act investigations	1959		
296		21.30.170	Some information obtained by the Department of Financial Institutions	1986		
297		24.03.435	Information in interrogatories of nonprofit corporations by Secretary of State	1967		
298		24.06.480	Information in interrogatories of nonprofit miscellaneous and mutual corporations by Secretary of State	1969		
299		26.04.175	Marriage applications and records about participants in address confidentiality program	1991		
300		26.09.015	Divorce mediation proceedings—may apply to records of the proceedings	1986		

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
301		26.12.080	Superior court may order family court files closed to protect privacy	1949		
302		26.23.120 (1)	Records concerning persons owing child support	1987		
303		26.23.150	Social security numbers collected by licensing agencies not to be disclosed	1998		
304		26.33.330 & 340	Adoption records (except by order of the court under showing of good cause)	1984		
305		27.53.070 (42.56.300)	Communications on location of archaeological sites not public records	1975		
306		28B.85.020 (2)	Financial disclosures provided to HEC Board by private vocational schools	1996		
307		28C.10.050 (2) (a)	Financial disclosures by private vocational schools	1986		
308		29A.08.710	Original voter registration forms or their images	1991		
309		29A.08.720	The DOL office at which any particular individual registers to vote	1994		
310		29A.20.191	Minor party and independent candidate nominating petitions	2004		
311		29A.32.100	Argument or statement submitted to Sec. of State for voters' pamphlet	1999		
312		31.04.274(4)	Chapter 42.56 RCW relating to disclosure of supervisory information or any information described in subsection (1) of this section is superseded by this section	2009 c 120 s 26		
313		35.21.228 (4)	Rail fixed guideway system security and emergency preparedness plan	1999		

314		35A.21.300 (4)	Rail fixed guideway system security and emergency preparedness plan	1999		
315		36.01.210 (4)	Rail fixed guideway system security and emergency preparedness plan	1999		
316		36.28A.060 (8)	Tactical and intelligence information provided to Wash. Assoc. of Sheriffs	2003		
317		36.57.120 (4)	Rail fixed guideway system security and emergency preparedness plan	1999		

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
318		36.57A.170 (4)	Rail fixed guideway system security and emergency preparedness plan	1999		
319		36.102.200	Financial info on master tenant, concessioners, team affiliate, or sublease of a public stadium authority's facilities	1997		
320		39.10.100 (2) recod. as 39.10.470 (2)	Trade secrets & proprietary information from contractors under alternative public works	1994		
321		39.26.--- (2012 c 224 s 4)	Competitive bids subject to chapter 42.56RCW except exempt from disclosure until apparent successful bidder announced	2012 c 224 s 4		
322		40.14.030 (2)	Records transferred to state archives	2003		
323		40.14.070 (2)(c)	Sex offender records transferred to Wash. Association of sheriffs and police chiefs	1999		
324		40.14.180	Bill drafting records of the Code Reviser's Office	1971		
325		40.24.070	Names of persons in domestic violence or sexual assault programs; and records in address confidentiality program	1999; 1991		
326		41.06.160	Salary and fringe benefit info identifying private employer from DOP salary survey	1981		
327		41.06.167	Salary and fringe benefit rate info collected from private employers	1980		
328		41.56.029 (2)	Collective bargaining authorization cards of adult family home provider workers	2007		
329		42.48.020 & .040	Personally identifiable public records used in scientific research	1985		
330		43.01.425	Crisis referral services communications and information are confidential	2009 c 19 s 2		
331		43.06A.050	Investigative records of Office of Family and Children's ombudsman	1996		
332		43.07.100	Info from businesses deemed confidential held by Bureau of Statistics in Sec. of State	1895		
333		43.09.186 (4)	Identity of person and documents in report to toll-free efficiency hotline	2007		

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
334		43.19.1911 (8) Repealed by 2012 c 224 s 29 eff	Competitive bids (not disc losable under bidding process or as public records?)	1959		
335				2012 c 224 s 29 (rep)		
336				2012 c 224 s 4 (39.26.---)		
337		43.19.736	Print jobs contracted with private vendors must require vendor to enter into a confidentiality agreement if materials contain sensitive or personally identifiable information	2011 c 43 1st sp. s. s 309		
338		43.41.350 Recod 43.19.781	Risk management loss history information	1989		
339				2011 1st sp. s. c 43 s 535		
340		43.21A.160	Information on unique production processes given to the DOE	1970		
341		43.21F.060 (1)	Proprietary information received by the State Energy Office	1976		
342		43.22.290	Employer labor statistics reports provided to the Department of Labor & Industries	1901		
343		43.22.434	Info obtained from contractors through an audit	2002		
344		43.41.100	Confidential reports made to the governor by director of OFM	1969		
345		43.43.710	WSP information in records relating to the commission of any crime by any person	1972		
346		43.43.762 – referenced in 42.56.240(6)	Information in criminal street gang database	2008 c 276 s 201		
347		43.43.856	WSP organized crime Investigative information	1973		
348		43.52.612	Financial information provided to operating agencies in bid forms and experience provided by a contractor to a joint operating agency regarding bids on constructing a nuclear project	1982		
349		43.70.050 (2)	Health care related data identifying patients or providers obtained by state agencies	1989		

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	Category	RCW	Description	Date	Materials	Recommendation
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Category	(effective 2006)	Description	Enacted	Presented	Recommendation
350	43.70.052	American Indian health data	1995		
351	43.70.056 (2)(e)(ii)	Hospital reports and information on health care-associated infections	2007		
352					
353	43.70.075	Identity of whistleblower who makes a complaint to the Dept. of Health re: improper care	1995		
354	43.70.510	Information and documents created, collected and maintained by a quality assurance committee	2005		
355	43.70.695 (5)	Healthcare workforce surveys identifying individual providers	2006		
356	43.190.110	Complaint and investigation records of long-term care ombudsman	1983		
357	43.101.400	Criminal justice training commission records	2001		
358	43.235.040 (1)	Domestic violence fatality review info	2000		
359	43.330.062	Protocols may not require release of information that associate development organization client company has requested remain confidential	2011 c 286 s 1		
360	43.370.050 (2)	Individual identification in released health care data for studies and analysis	2007		
361	46.12.380(1) Record	Names and addresses of motor vehicle owners except for "business" & other purposes	1984		
362	46.12.635		2010 c 161 s 1210		
363	46.20.041	Info on physically or mentally disabled person demonstrating ability to drive	1965		
364	46.20.118	Photos on drivers' licenses & identicards	1981		
365	46.52.065	Blood sample analyses done by state toxicology	1971		
366	46.52.080 & .083	Most info in police accident reports	1937		
367	46.52.120	Individual motor vehicle driver records	1937		
368	46.52.130	Abstracts of motor vehicle driver records			
369	46.70.042	Application for vehicle dealer licenses, for 3 years	1967		
370	46.35.030(1)(a)	Information obtained by a court order pursuant to discovery is not subject to public disclosure	2009 c 485 s 3		
371	47.28.075	Info supplied to DOT to qualify contractors for highway construction	1981		

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Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
372	47.60.760	Financial info submitted to qualify to submit bid for ferry construction contracts	1983		
373			2010 c 283 s 20		
374	48.02.065 (1)	information provided in the course of an insurance commissioner examination	2007		
375	48.05.510 (4)	Insurer's reports to Insurance Commissioner	1995		
376	48.13.151	Information related to investment policies provided to the insurance commissioner is confidential and not a public record	2011 c 188 s 16 (eff 7/1/12)		
377	48.31.405 (1)	Commissioner info relating to supervision of any insurer	2005		
378	48.31C.130	Health care company proprietary and trade secret info	2001		
379	48.32.110 (2)	Request for examination into insurer's financial condition	1971		
380	48.43.200 (4)	Reports of material transactions by certified health plans	1995		
381	48.44.530 (4)	Reports of material transactions by health care service contractors	1995		
382	48.46.540	Current licensure of nonresident pharmacies through which an insurer provides coverage	1991		
383	48.46.600 (4)	Reports of material transactions by health maintenance organizations	1995		
384	48.102.140(5)(a)	Documents and evidence provided regarding life settlement act fraud investigations are confidential and not public records	2009 c 104 s 17		
385	48.104.050 (1)	Holocaust insurance company registry records	1999		
386	49.17.260	L&I investigative reports on industrial catastrophes	1973		
387	49.60.240	Option for Human Rights Commission complaints not to be made public	1993		
388	49.70.119(6)(a)	Name of employee seeking records of agricultural pesticide applications	1973		
389	49.76.040	Employee's information regarding domestic violence is confidential	2008 c 286 s 4		

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Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
390	49.76.090	Domestic violence leave information in files and records of employees is confidential and not open to public inspection	2008 c 286 s 10		
391	50.13.060 (8)	Welfare reform info in WorkFirst program	2000		
392	53.31.050	Financial & Commercial info & records supplied to port district export trading company	1986		
393	63.29.380	Info relating to unclaimed property that is furnished to the Dept of Revenue	1983		
394	66.28.180	Beer and wine pricing information. Subsection containing the exemption was deleted.	2004		

395				2009 c 506 s 10	
396		68.50.105	Records of autopsies and post mortems	1953	
397		68.64.190	Certain information released to tissue or organ procurement organization is confidential	2008 c 139 s 21	
398		69.41.044; 42.56.360(1)(b)	Pharmaceutical manufacturer info obtained by the Board of Pharmacy	1989	
399		69.41.280	Info on legend drugs obtained by the Board of Pharmacy	1989	
400		69.45.090; 42.56.360(1)	Records and info supplied by drug manufactures to the Board of Pharmacy	1987	
401		69.51.050	Names of persons participating in controlled substances therapeutic research programs	1979	
402		70.02.020, .050, et. al.	Health care info disclosed to health care provider w/o patients permission	1991	
403		70.24.022	Info gathered by health care workers from interviews re. sexually transmitted diseases	1988	
404		70.24.024	Records of hearings on orders related to sexually transmitted diseases	1988	
405		70.24.034	Records on hearings on dangerous sexual behavior of sexually transmitted disease carriers	1988	
406		70.24.105	Limitations on disclosure of info on sexually transmitted diseases of inmates	1988	
407		70.28.020	Tuberculosis records	1899	
408		70.41.150	Dept of Health info on inspections of hospitals	1955	

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
409		70.41.200 (3)	Info maintained by a health care services quality improvement committee	1986		
410		70.41.220	Hospital records restricting practitioner's privileges in possession of medical disciplinary board	1986		
411		70.42.210	Identity of person from whom specimens of material were taken at a medical test site	1989		
412		70.47.150	Records of medical treatment	1990		
413		70.48.100	Jail register records	1977		
414		70.54.250	Cancer registry program	1990		
415		70.58.055(2)	Info on birth & manner of delivery kept in birth certificate records	1991		
416		70.77.455	Fireworks license records	1995		
417		70.94.205	Info provided to DOE on processes or if may affect competitive position relating to air quality	1967		
418		70.95.280	Proprietary info on solid waste management practices in possession of DOE	1989		
419		70.95C.040(4)	Proprietary info re. waste reduction in possession of DOE	1988		
420		70.95C.220(2)	Waste reduction plans	1990		
421		70.95C.240(1)	Some info in executive summaries of waste reduction efforts	1990		
422		70.95N.140 (4)	Proprietary info in electronic product recycling reports	2006		
423		70.96A.150	Records of treatment for alcoholism	1972		
424		70.104.055	Reports on pesticide poisoning	1989		
425		70.105.170	Manufacturing or business info re: Hazardous waste management in possession of DOE	1983		
426		70.118.070	Trade secret info re: On-site sewage disposal in possession of DOE	1994		
427		70.124.100	Name of whistleblower in nursing home or state hospital	1997		
428		70.125.065	By implication records of community sexual assault program or underserved populations provider	1981		

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
429				2012 c 29 s 11		
430		70.127.190	Hospice records	1988		
431		70.129.050	Personal and clinical records of long-term care residents	1994		
432		70.158.050	Tobacco product manufacturers' information required to comply with chapter 70.58 RCW is confidential and shall not be disclosed	2003		
433		70.168.070	Limitations on disclosure of reports made by hospital trauma care on-site review teams	1990		
434		70.168.090	Patient records and quality assurance records associated with trauma care facilities	1990		
435		70.170.090	Charity care information in hospitals	1989		
436		70.230.110	Ambulatory surgical facilities data related to the quality of patient care	2007		
437		70.230.170	Information received by dept. of health regarding ambulatory surgical facilities	2007		
438		71.05.390 - .440	Records on persons receiving treatment for mental illness	1973		
439		71.05.620 - .640	Records on mental health treatment	1989		
440		71.05.385(3)(c)	Mental health information is confidential	2009 c 320 s 2		

441		71.09.140(2)	Names of victims, next of kin, or witnesses who are notified when sexually violent predator escapes, on parole, or released	1995		
442		71.24.035(5)(g)	Mental retardation records	1982		
443		71.34.340	Records on mental treatment of minors	1985		
444		71.34.335				
445		71.34.350				
446		71A.14.070	Confidential info re. developmentally disabled persons	1988		
447		72.05.130 (1)	Reports regarding children with behavioral problems	1951		
448		72.09.116	Info from correctional industries work program participant or applicant	2004		
449		72.09.345(3)- 72.09.345(4)	Certain info on sex offenders held in custody	1997		

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
450				2011 c 338 s 5		
451		9.94A.610(1)(b) 72.09.710 (recod eff 8/1/09)	Names of witnesses notified when drug offenders released	1991		
452				Recod 2008 c 231 s 26		
453		9.94A.612(1) 72.09.712 (recod eff 8/1/09)	Names of victims, next of kin, or witnesses who are notified when prisoner escapes, on parole, or released	1995		
454			Public assistance records	Recod 2008 c 231 s 27		
455		74.04.060 & .062		1941		
456		74.20.160 & .280				
457		74.04.520	Names of recipients of food stamps	1969		
458		74.09.290(1)	Medical records of persons on public assistance	1979		
459		74.13.075(5)	A juvenile's status as a sexually aggressive youth and related information are confidential and not subject to public disclosure by DSHS	2009 c 250 s 2		
460		74.13.640	Child fatality reports are subject to disclosure but confidential information may be redacted	2011 c 61 s 2		
461		74.13.121 74.13A.045 (recod)	Info from adoptive parents of kids receiving public assistance	1971		
462				2009 c 520 s 95		
463		74.13.133 74.13A.065 (recod)	Adoption support records	1971		
464				2009 c 520 s 95		
465		74.13.280(2)	Info on child in foster care & child's family	1990		
466		74.13.500 -.525	Disclosure of child welfare records	1997		
467		74.18.127 (1)	Personal info maintained by the dept. of services for the blind	2003		
468		74.20A.360 & .370	Certain records in division of child support	1997		
469		74.34.040	Identify of person making report on abuse of vulnerable adult	1984		
470		74.34.090	Identity of persons in records of abused vulnerable adults	1984		
471		74.34.095 (1)	Info concerning the abuse of vulnerable adults	1999		

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
472		74.34.180(1)	Name of whistleblower reporting abuse of vulnerable adults in various facilities	1997		
473		74.34.300	Files, etc. used or developed for vulnerable adult fatality reviews	2008 c 146 s 10		
474		74.42.080	Records on nursing home residents	1979		
475		74.42.640	Information and documents created, collected and maintained by a quality assurance committee	2005		
476		78.44.085 (5)	Surface mining info	2006		
477		78.52.260	Well logs on oil capable of being produced from a "wildcat" well	1951		
478		79.76.230	Geothermal records filed w. DNR	1974		
479		79A.60.210	Certain boating accident reports provided to the Parks & Recreation Commission	1984		
480		79A.60.220				
481		81.104.115 (2)	Rail fixed guideway system security and emergency preparedness plan	1999		
482		81.112.180 (4)	Rail fixed guideway system security and emergency preparedness plan	1999		
483		82.32.330(2)	Certain tax return and tax information	At least 1935		
484		82.32.585	Taxpayer info supplied for survey is not disc losable. Amt of tax deferral is not subject to 82.32.330 confidentiality provisions	2010 c 114 s 102(4)		
485		82.36.450 (4)	Info from tribes or tribal retailers received by the state under a motor vehicle fuel taxes agreement	2007		
486		82.38.310 (4)	Info from tribes or tribal retailers received by the state under a special fuel taxes agreement	2007		
487			Taxpayer info supplied for survey is not disc losable. Amt of tax deferral is not subject to 82.32.330 confidentiality provisions	2008 c 15 s 2		

488		Provision eliminated and moved to 82.32.585(4)		2010 c 114 s 148 (del) now 82.32.585(4)		
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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
489		84.08.210	Tax info obtained by Dept of Revenue if highly offensive to a reasonable person and not a legitimate concern to public or would result in unfair competitive disadvantage	1997		
490		84.36.389	Income data for retired or disabled persons seeking property tax exemptions	1974		
491		84.40.020	Confidential income data in property tax listings	1973		
492		84.40.340	UTC records containing commercial info a court determines confidential	1961		
493		90.64.190	Livestock producer info	2005		
494		2007 c 522 § 149 (3) (uncodified)	Names and identification data from participants in survey to identify factors preventing the widespread availability and use of broadband technologies	2007		
495	Agriculture and Livestock	42.56.380 (6)	Information on individual American ginseng growers or dealers	1996		
496	Health Care	42.56.360 (1) (f)	Information relating to infant mortality pursuant to RCW 70.05.170	1992		
497	Dairies, Animal Feeding Operations	42.56.610	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)		
498		9.95.260	Information regarding victims, survivors of victims, or witnesses that are sent pardon hearing notices may not be released to offender	1999		
499		11.110.075	Instrument creating a charitable trust, possibly only if the instrument creates a trust for both charitable and non-charitable purposes	1971		
500		13.04.155	Information on juvenile conviction by adult criminal court given to school principal	1997		
501		13.24.011	Records of the Interstate Compact for Juveniles that would adversely affect personal privacy rights or proprietary interests	2003		

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	Category	RCW (effective 2006)	Description	Date Enacted	Materials Presented	Recommendation
502	Boarding Homes	13.40.150	Sources of confidential information in dispositional hearings on juvenile offenses	1977		
503		48.102.030	Insurance vehicle settlement broker records	1995		
504		50.13.015, .020, .040, .050, & 100	Most info supplied to Employment Security Dept	1977		
505		51.36.120	Financial or valuable trade info from health care providers, if request	1989		
506		70.05.170	Medical records re. Child morality review	1992		
507		78.52.260	Well logs on oil capable of being produced from a "wildcat" well	1951		
508		79.76.230	Geothermal records filed w. DNR	1974		
509		79A.60.210 79A.60.220	Certain boating accident reports provided to the Parks & Recreation Commission	1984		
510		80.04.095	Utility records filed with UTC containing valuable commercial information	1987		
511		82.32.330(2)	Certain tax return and tax information	At least 1935		
512		84.08.210	Tax info obtained by Dept of Revenue if highly offensive to a reasonable person and not a legitimate concern to public or would result in unfair competitive disadvantage	1997		
513		84.36.389	Income data for retired or disabled persons seeking property tax exemptions	1974		
514		84.40.020	Confidential income data in property tax listings	1973		
515		84.40.340	UTC records containing commercial info a court determines confidential	1961		



APPENDIX D

RECOMMENDATIONS FOR RCW 40.14.030(2).

- 1) Re-write the entire section in plain English.
- 2) Archival records are legal and historic public records that are invaluable to the public and are intended to be preserved and managed consistent with current federal and state laws.
- 3) Archival records are public records worthy of long term or permanent preservation possessed by every state and local agency which are designated to be transferred to the State Archives and also those public records possessed and maintained by the State Archives.
- 4) Records made exempt or confidential as required by law shall remain exempt or confidential when transferred to the State Archives. Non-exempt records transferred to the State Archives shall be open to the public for inspection and copying.
- 5) Records transferred to the State Archives become records of the State Archives. The State Archives assumes responsibility for disclosure and compliance with the Public Records Act for all records possessed by the State Archives.
- 6) Records that are confidential or exempt must be clearly labeled or designated as such prior to transfer to the State Archives. There shall be a presumption that records not marked as exempt or confidential are subject to public access and copying. Neither the State Archives nor any of its employees shall be liable, nor shall any cause of action exist, for any loss or damage based upon the release of a confidential or exempt public record if the record is not clearly labeled as such prior to transfer to the State Archives.
- 7) Exempt records transferred to the State Archives may eventually be open to the public for inspection and copying. The time periods recommended below are only for records that are exempt under existing law and *do not create any new exemptions*. Records or information made exempt or confidential as required by law shall be made public after the following time periods have expired:
 - General Government Records – 25 years after creation of the record. [General government records are records which meet the definition of a record under either RCW 42.56.010 or RCW 40.14.010 and are not vital records¹ and do not contain personal information where disclosure would result in the invasion of privacy.]
 - Birth records – 100 years after creation of the original birth record, or after death.
 - Privacy Interest – Where a law requires non-disclosure for types or categories of information based on privacy interests (without a balancing test) the information shall remain confidential until 100 years after the creation of the record.
 - Judicial Branch Records – Confidential records of the judicial branch remain confidential indefinitely, even when transferred to the State Archives, until such time as the judicial branch opens the records.

¹ “Vital Records” means records of birth, death, fetal death, marriage, dissolution, annulment, and legal separation, as maintained under the supervision of the state registrar of vital statistics. RCW 70.58.005(6).

- Social Security Numbers – For persons still alive social security numbers are confidential pursuant to federal law 42 U.S.C. section 405 (c)(2)(C)(viii)(I). However, SSN’s are available after death. The Social Security Administration maintains a Master Death File which is public and is used to verify death and prevent fraud. The MDF is available to the public and it discloses name, date of birth and death, SSN, location where SSN was issued, and last place of residence.
- 8) After these time periods have expired the public may access any formerly exempt archival records possessed by the State Archives.
 - 9) The expiration time periods set forth in this recommendation shall also apply to all exempt public records with a designated archival value including those exempt records which are maintained by originating agencies but are not transferred to the State Archives.²
 - 10) If any law designating a record’s confidentiality sets a period shorter than the period set forth above then the public shall have access to the record after the shorter period expires. Other than the recommendations in paragraph 7, in no case shall confidentiality required by state law exceed 100 years after creation of any archival record.
 - 11) Where law creates an exception to the confidentiality of a record for access for specified persons or purposes such exceptions shall continue to allow access for records possessed by the State Archives.
 - 12) The State Archives may allow the inspection (but not copying) of any record, including confidential or exempt information, for the purposes of research. The state legislature should define “research” consistent with other state and federal laws which allow access to confidential information for research purposes.
 - 13) For the enactment of each new statutory exemption, the Legislature should designate where appropriate an expiration time for the applicability of any claimed exemption. The expiration time should be a fixed period of time after the creation of a record where an exemption applies and requires non-disclosure. After the fixed period of time has expired an agency may not claim the exemption and the public may access and copy public records. The Legislature should delegate statutory authority to the state and local government records committees established under Ch 40.14 RCW for the purpose of designating an expiration time after the creation of a record for the applicability of statutory exemptions with no expiration time specified in law.

² The purpose of this paragraph is to prevent an absurd result. The expiration periods recommended in this proposal should apply uniformly to archival public records regardless of whether the records are possessed by the State Archives or the originating agency.