



STATE OF WASHINGTON 2013 ANNUAL REPORT

PUBLIC RECORDS EXEMPTIONS ACCOUNTABILITY COMMITTEE "SUNSHINE COMMITTEE"

Governor Jay Inslee

Attorney General Bob Ferguson

Lt. Governor Brad Owen
President of the Senate

Sen. Rodney Tom
Majority Coalition Leader of the Senate

Rep. Frank Chopp
Speaker of the House

Rep. Dan Kristiansen
Minority Leader of the House



PUBLIC RECORDS EXEMPTIONS ACCOUNTABILITY COMMITTEE

“SUNSHINE IN GOVERNMENT”

November 15, 2013

The Public Records Exemptions Accountability Committee (Sunshine Committee) met four times in calendar year 2013 and initiated a comprehensive review of the following public records exemptions:

RCW 4.24.550 - Sex Offenders Information
RCW 42.56.230(7a) - Drivers' Licenses
RCW 42.56.240(1)(2)(4) - Investigative Exemptions
RCW 42.56.330(2) - Utility Customer Information
RCW 42.56.480 - Inactive Programs
RCW 66.16.090 - Liquor Purchases by Individuals

The review of these exemptions involved notice to the public and direct outreach to specific stakeholders. The Committee received testimony from public agencies and numerous interested parties, as well as extensive briefing by staff and Committee members, and considerable Committee discussion. This review process resulted in several recommendations, contained in this report, which are designed to achieve statutory clarification and the protection of important privacy interests while ensuring appropriate public disclosure.

HISTORY OF THE COMMITTEE

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

Further information about the Committee and its work is available to the public on the Internet at <http://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 they may receive notification when new material is posted.

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

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

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

The Legislature called for an annual report of the Committee's recommendations. This is the sixth annual report and summarizes the Committee's work since the November, 2012 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 2013:

Chair, Michael E. Schwab, retired Yakima County Superior Court Judge
Former State Representative Lynn Kessler - Vice Chair
Senator Maralyn Chase (D)
Senator Pam Roach (R)
Representative Jeff Holy (R)
Representative Larry Springer (D)
Nicholas Brown - Counsel to the Governor
Frank Garred, retired newspaper publisher - Port Townsend Leader
Ramsey Ramerman, Assistant City Attorney, City of Everett
Rowland Thompson, Executive Director, Allied Daily Newspapers of Washington
David Zeeck, Publisher, Tacoma News Tribune
Hon. Pete Holmes, Seattle City Attorney
Tim Ford, Open Government Assistant Attorney General (resigned summer 2013)

COMMITTEE PRACTICE AND PROCEDURE - 2013

The Committee held four meetings in 2013. Minutes of each meeting are available online at the Committee's website. The following is a summary of the work done by the Committee at each meeting.

MARCH 19, 2013

The Committee received presentations from Committee members Tim Ford and Ramsey Ramerman regarding the Investigative Exemptions in RCW 42.56.240(1) and (2) and their recommendations to clarify perceived ambiguities in the statutes. Extensive discussion by the Committee ensued with public comment from interested law enforcement agencies, ACLU and WA Coalition for Open Government (WACOG). There was general consensus that clarification of the statutes would be beneficial but significant disagreement on how to achieve that clarification was expressed.

The Committee also discussed Concealed Pistol License Applications - RCW 42.56.240(4) and received public comment from gun rights advocates and the firearms unit of the Dept. of Licensing. There was some indication that, once again, clarification of the statute would be beneficial but significant disagreement on how to achieve that.

Committee member Tim Ford initiated a discussion on RCW 4.24.550 and the release of sex offender information. Public testimony was received from the Prosser and Union Gap School Districts and Washington Association of Police Chiefs. No recommendations were submitted for Committee consideration.

JUNE 18, 2013

The Committee received a presentation from the Washington State Liquor Control Board regarding RCW 66.16.090, which exempts from disclosure the purchases of liquor by individuals. This exemption was created in 1933 and is no longer viable. The Board recommended that the exemption be repealed and the Committee voted unanimously to do so.

Committee member Tim Ford introduced and discussed three exemptions contained in RCW 42.56.480 - Inactive Programs. Public comment was received from various state agencies that these exemptions were obsolete. After further discussion the Committee voted unanimously to recommend repeal of these exemptions.

Other business: The Committee engaged in lengthy discussion of proposals to amend the archives statute (previously discussed at length in 2012), the Investigative Exemptions (previously discussed at the March 19, 2013 meeting), and the Sex Offender Exemptions (previously discussed at the March 19, 2013 meeting). No recommendations were submitted for Committee action.

SEPTEMBER 17, 2013

Committee member Pete Holmes introduced and discussed the topic of public records issues related to the Marijuana Legalization Initiative (1-502). After some Committee discussion and public comment, no recommendations were made at that time, but it was decided to wait and see further legislative enactments as the legalization process unfolded.

Chair Schwab introduced a recent Court of Appeals decision, *City of Lakewood v. Koenig*, No. 42972-1-II, slip op. (Wash. Ct. App. Sept. 4, 2013), and the Court's footnote inviting legislative action to protect privacy interests. Extensive Committee discussion followed concerning the impact and value of this decision. The Committee also discussed recent developments in Public Records Requests Dispute Resolution, especially city of Kirkland's new ordinance. WACOG president and Kirkland City council member Toby Nixon made a presentation about the ordinance and its goal of improving municipal responses to public records requests.

The Committee revisited the investigative exemption in RCW 42.56.240(2) which had been considered at several prior meetings. Extensive Committee discussion and public comment from WACOG and Department of Health occurred. Committee member Ramsey Ramerman proposed that the reference to the "commission" be amended to refer to the "Public Disclosure Commission" and the last sentence, "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.", should be removed and recodified in RCW 42.17A where it properly belongs. The motion was thoroughly discussed and passed by a vote of 8 – 1.

NOVEMBER 5, 2013

This meeting was devoted almost exclusively to a discussion of RCW 42.56.330(2) related to public utility customer information. Extensive public comment was received by public utility industry representatives, WACOG, and ACLU. The Committee engaged in extensive discussion and then adopted two recommendations to amend the statute as to electronic contact information and customer usage. The recommendations were adopted by unanimous vote, with one Committee member abstaining.

The topic of a proposed exemption for drivers' license numbers to amend RCW 42.56.230(7) was introduced by Ramsey Ramerman. Public comment was received. It was determined that further work on any proposal in this regard was needed and the issue was continued to a special Committee meeting proposed for December 9, 2013.

EXEMPTIONS

During 2013 the Committee initiated a comprehensive review of the following exemptions, as described herein above:

RCW 4.24.550 - Sex Offender Information

(1) Public agencies are authorized to release information to the public regarding sex offenders and kidnapping offenders when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender.

RCW 42.56.230 (7a) - Drivers' Licenses

The following personal information is exempt from public inspection and copying under this chapter: (7)(a) any record used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicard.

RCW 42.56.240(1)(2)(4) - Investigative Exemptions

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;

....

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

RCW 42.56.330(2) - Utility Customer Information

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

....

(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;

RCW 42.56.480 - Inactive Programs

Information related to the following programs and reports, which have no ongoing activity, is exempt from disclosure under this chapter:

(1) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(2) Personal information in files maintained in a database created under RCW 43.07.360 and

(3) Data collected by the Department of Social and Health Services for the reports required by section 8, chapter 231, Laws of 2003, except as compiled in the aggregate and reported to the Senate and House of Representatives.

RCW 66.16.090 - Liquor Purchases by Individuals

All records whatsoever of the board showing purchases by any individual of liquor shall be deemed confidential, and, except subject to audit by the state auditor, shall not be permitted to be inspected by any person whatsoever, except by employees of the board to the extent permitted by the regulations; and no member of the board and no employee whatsoever shall give out any information concerning such records and neither such records nor any information relative thereto which shall make known the name of any individual purchaser shall be competent to be admitted as evidence in any court or courts except in prosecutions for illegal possession of an/or sale of liquor. Any person violating the provisions of this section shall be guilty of a misdemeanor.

The review of these exemptions involved notice to the public and direct outreach to specific stakeholders. The Committee received testimony from public agencies and numerous interested parties, as well as extensive briefing by staff and Committee members, and considerable Committee discussion. The Committee's recommendations regarding these exemptions are contained herein below.

RECOMMENDATIONS

1. The Committee recommends that the exemptions contained in RCW 42.56.480 (Inactive Programs) be repealed and terminated. These exemptions are obsolete and should be officially removed from the Legislative code.
2. Likewise, the Committee recommends that the exemption contained in RCW 66.16.090 (Liquor Purchases by Individuals) should be repealed and terminated. This exemption is also obsolete and should be removed from the code.
3. The Committee recommends that RCW 42.56.330(2) (Utility Customer Information) be amended to read as follows:

The following information related to public utilities and transportation is exempt from disclosure under this chapter.

(2) The residential addresses, ~~and residential telephone numbers, electronic contact information, and customer specific utility usage and billing information in increments less than a billing cycle or month, whichever is greater,~~ 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.

4. The Committee recommends that RCW 42.56.240(2) Investigative Exemptions be amended as follows:

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

(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 public disclosure 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.~~

The purpose of this recommendation is to clarify the identity of the commission in the first sentence and to remove the last sentence from the statute and recodify it in RCW 42.17A (Public Disclosure Commission) where it properly belongs.

5. During the 2013 Legislative Session the Washington State House passed SHB 1298 by a vote of 97-0. This bill contained several of the previous recommendations proposed by the Committee. Unfortunately, this bill did not successfully pass through the Senate and it was not enacted. The Committee recommends that this bill be resubmitted for consideration, along with the other recommendations contained herein. A copy of SHB 1298 is attached hereto as **Appendix A**.

CONCLUSION

The Committee plans to meet at least four times in 2014 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 expertise in reviewing exemptions and will use that experience to address the many important issues that relate to the disclosure of public records. Finally, the Committee will endeavor to work closely with the Legislature in the upcoming session to discuss the Committee's recommendations and to seek meaningful contributions to public policy in Washington State, including expansion of the Committee's mandate and the creation of an independent public records/public meetings agency.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael E. Schwab", written in a cursive style.

Michael E. Schwab
Chair

November 15, 2013



APPENDIX A

APPENDIX A

H-1442.1

SUBSTITUTE HOUSE BILL 1298

State of Washington

63rd Legislature

2013 Regular Session

By House Government Operations & Elections (originally sponsored by Representatives Springer, Hunt, Ryu, and Pollet; by request of Public Records Exemptions Accountability Committee)

READ FIRST TIME 02/18/13.

1 AN ACT Relating to implementing recommendations of the sunshine
2 committee; amending RCW 13.34.100, 42.56.240, 42.56.330, and
3 70.148.060; and reenacting and amending RCW 42.56.230.

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

5 **Sec. 1.** RCW 13.34.100 and 2010 c 180 s 2 are each amended to read
6 as follows:

7 (1) The court shall appoint a guardian ad litem for a child who is
8 the subject of an action under this chapter, unless a court for good
9 cause finds the appointment unnecessary. The requirement of a guardian
10 ad litem may be deemed satisfied if the child is represented by
11 independent counsel in the proceedings. The court shall attempt to
12 match a child with special needs with a guardian ad litem who has
13 specific training or education related to the child's individual needs.

14 (2) If the court does not have available to it a guardian ad litem
15 program with a sufficient number of volunteers, the court may appoint
16 a suitable person to act as guardian ad litem for the child under this
17 chapter. Another party to the proceeding or the party's employee or
18 representative shall not be so appointed.

1 (3) Each guardian ad litem program shall maintain a background
2 information record for each guardian ad litem in the program. The
3 background information record shall include, but is not limited to, the
4 following information:

5 (a) Level of formal education;

6 (b) General training related to the guardian ad litem's duties;

7 (c) Specific training related to issues potentially faced by
8 children in the dependency system;

9 (d) Specific training or education related to child disability or
10 developmental issues;

11 (e) Number of years' experience as a guardian ad litem;

12 (f) Number of appointments as a guardian ad litem and the county or
13 counties of appointment;

14 (g) The names of any counties in which the person was removed from
15 a guardian ad litem registry pursuant to a grievance action, and the
16 name of the court and the cause number of any case in which the court
17 has removed the person for cause;

18 (h) Founded allegations of abuse or neglect as defined in RCW
19 26.44.020;

20 (i) The results of an examination of state and national criminal
21 identification data. The examination shall consist of a background
22 check as allowed through the Washington state criminal records privacy
23 act under RCW 10.97.050, the Washington state patrol criminal
24 identification system under RCW 43.43.832 through 43.43.834, and the
25 federal bureau of investigation. The background check shall be done
26 through the Washington state patrol criminal identification section and
27 must include a national check from the federal bureau of investigation
28 based on the submission of fingerprints; and

29 (j) Criminal history, as defined in RCW 9.94A.030, for the period
30 covering ten years prior to the appointment.

31 The background information record shall be updated annually. As a
32 condition of appointment, the guardian ad litem's background
33 information record shall be made available to the court. If the
34 appointed guardian ad litem is not a member of a guardian ad litem
35 program a suitable person appointed by the court to act as guardian ad
36 litem shall provide the background information record to the court.

37 Upon appointment, the guardian ad litem, or guardian ad litem
38 program, shall provide the parties or their attorneys with a copy of

1 the background information record containing the results of the
2 background check conducted through the Washington state patrol criminal
3 identification system under RCW 43.43.832 through 43.43.834. The
4 portion of the background information record containing the results of
5 the criminal background check and the criminal history from the federal
6 bureau of investigation shall not be disclosed to the parties or their
7 attorneys. The background information record shall not include
8 identifying information that may be used to harm a guardian ad litem,
9 such as home addresses and home telephone numbers, and for volunteer
10 guardians ad litem the court may allow the use of maiden names or
11 pseudonyms as necessary for their safety.

12 (4) The appointment of the guardian ad litem shall remain in effect
13 until the court discharges the appointment or no longer has
14 jurisdiction, whichever comes first. The guardian ad litem may also be
15 discharged upon entry of an order of guardianship.

16 (5) A guardian ad litem through counsel, or as otherwise authorized
17 by the court, shall have the right to present evidence, examine and
18 cross-examine witnesses, and to be present at all hearings. A guardian
19 ad litem shall receive copies of all pleadings and other documents
20 filed or submitted to the court, and notice of all hearings according
21 to court rules. The guardian ad litem shall receive all notice
22 contemplated for a parent or other party in all proceedings under this
23 chapter.

24 (6)(a) Pursuant to this subsection, the department or supervising
25 agency and the child's guardian ad litem shall each notify a child of
26 his or her right to request counsel and shall ask the child whether he
27 or she wishes to have counsel. The department or supervising agency
28 and the child's guardian ad litem shall notify the child and make this
29 inquiry immediately after:

30 (i) The date of the child's twelfth birthday;

31 (ii) Assignment of a case involving a child age twelve or older; or

32 (iii) July 1, 2010, for a child who turned twelve years old before
33 July 1, 2010.

34 (b) The department or supervising agency and the child's guardian
35 ad litem shall repeat the notification and inquiry at least annually
36 and upon the filing of any motion or petition affecting the child's
37 placement, services, or familial relationships.

1 (c) The notification and inquiry is not required if the child has
2 already been appointed counsel.

3 (d) The department or supervising agency shall note in the child's
4 individual service and safety plan, and the guardian ad litem shall
5 note in his or her report to the court, that the child was notified of
6 the right to request counsel and indicate the child's position
7 regarding appointment of counsel.

8 (e) At the first regularly scheduled hearing after:

9 (i) The date of the child's twelfth birthday;

10 (ii) The date that a dependency petition is filed pursuant to this
11 chapter on a child age twelve or older; or

12 (iii) July 1, 2010, for a child who turned twelve years old before
13 July 1, 2010;

14 the court shall inquire whether the child has received notice of his or
15 her right to request legal counsel from the department or supervising
16 agency and the child's guardian ad litem. The court shall make an
17 additional inquiry at the first regularly scheduled hearing after the
18 child's fifteenth birthday. No inquiry is necessary if the child has
19 already been appointed counsel.

20 (f) If the child requests legal counsel and is age twelve or older,
21 or if the guardian ad litem or the court determines that the child
22 needs to be independently represented by counsel, the court may appoint
23 an attorney to represent the child's position.

24 (7) For the purposes of child abuse prevention and treatment act
25 (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247,
26 or any related state or federal legislation, a person appointed
27 pursuant to this section shall be deemed a guardian ad litem to
28 represent the best interests of the minor in proceedings before the
29 court.

30 (8) When a court-appointed special advocate or volunteer guardian
31 ad litem is requested on a case, the program shall give the court the
32 name of the person it recommends. The program shall attempt to match
33 a child with special needs with a guardian ad litem who has specific
34 training or education related to the child's individual needs. The
35 court shall immediately appoint the person recommended by the program.

36 (9) If a party in a case reasonably believes the court-appointed
37 special advocate or volunteer guardian ad litem is inappropriate or
38 unqualified, the party may request a review of the appointment by the

1 program. The program must complete the review within five judicial
2 days and remove any appointee for good cause. If the party seeking the
3 review is not satisfied with the outcome of the review, the party may
4 file a motion with the court for the removal of the court-appointed
5 special advocate or volunteer guardian ad litem on the grounds the
6 advocate or volunteer is inappropriate or unqualified.

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

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

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

14 (2) Personal information((~~7~~)) including, but not limited to,
15 addresses, telephone numbers, personal electronic mail addresses,
16 social security numbers, emergency contact and date of birth
17 information for a participant in a public or nonprofit program serving
18 or pertaining to children, adolescents, or students, including but not
19 limited to early learning or child care services, parks and recreation
20 programs, youth development programs, and after-school programs.
21 Emergency contact information may be provided to appropriate
22 authorities and medical personnel for the purpose of treating the
23 individual during an emergency situation;

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

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

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

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

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

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

9 **Sec. 3.** RCW 42.56.240 and 2012 c 88 s 1 are each amended to read
10 as follows:

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

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

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

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

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

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

7 (6) Information contained in a local or regionally maintained gang
8 database as well as the statewide gang database referenced in RCW
9 43.43.762;

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

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

17 (9) Personally identifying information collected by law enforcement
18 agencies pursuant to local security alarm system programs and vacation
19 crime watch programs. Nothing in this subsection shall be interpreted
20 so as to prohibit the legal owner of a residence or business from
21 accessing information regarding his or her residence or business.

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

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

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

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

36 (3) The names, residential addresses, residential telephone
37 numbers, and other individually identifiable records held by an agency

1 in relation to a vanpool, carpool, or other ride-sharing program or
2 service(~~(; however, these records)~~). Participant's names, general
3 locations, and e-mail addresses may be disclosed to other persons who
4 apply for ride-matching services and who need that information in order
5 to identify potential riders or drivers with whom to share rides;

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

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

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

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

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

34 (7) The personally identifying information of persons who acquire
35 and use transponders or other technology to facilitate payment of
36 tolls. This information may be disclosed in aggregate form as long as
37 the data does not contain any personally identifying information. For
38 these purposes aggregate data may include the census tract of the

1 account holder as long as any individual personally identifying
2 information is not released. Personally identifying information may be
3 released to law enforcement agencies only for toll enforcement
4 purposes. Personally identifying information may be released to law
5 enforcement agencies for other purposes only if the request is
6 accompanied by a court order; and

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

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

19 (1) All (~~examination and proprietary reports and~~) information
20 except for proprietary reports or information obtained by the director
21 and the director's staff in soliciting bids from insurers and in
22 monitoring the insurer selected by the director shall (~~not~~) be made
23 public or otherwise disclosed to any person, firm, corporation, agency,
24 association, governmental body, or other entity.

25 (2) Subsection (1) of this section notwithstanding, the director
26 may furnish all or part of examination reports prepared by the director
27 or by any person, firm, corporation, association, or other entity
28 preparing the reports on behalf of the director to:

29 (a) The Washington state insurance commissioner;

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

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

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

1 (a) The Washington state insurance commissioner; and
2 (b) A person, firm, corporation, association, governmental body, or
3 other entity with whom the director has contracted for services
4 necessary to perform his or her official duties.
5 (4) (~~Examination reports and~~) Proprietary information obtained by
6 the director and the director's staff (~~are~~) is not subject to public
7 disclosure under chapter 42.56 RCW.
8 (5) A person who violates any provision of this section is guilty
9 of a gross misdemeanor.

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