

## Exemptions Criteria Worksheet

**1. Exemption:** RCW 42.56.250(2)

**2. Session Law:** Laws of 1987, chapter 404

**3. Category:** Employment **4. Cross-ref.:** none

**5. Date Enacted:** 1987

**6. (Text of exemption)** All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

**7. Exemption protects:** ☒ Safety ☐ Privacy ☐ Financial ☒ Other (explain):

Government interest in attracting applicants

**8. Purpose (including purpose of accompanying legislation if applicable):**

The Bill reports state that disclosure of employee names and addresses may jeopardize safety, particularly in cases of domestic violence and harassment. The veto message states that disclosure of applications would seriously impact the size and quality of applicant pools.

**9. Information covered:** ☐ About gov't function ☒ Collected/held by gov't

☐ Public funds ☐ Public official ☐ Vital gov't Interest ☒ Confidential/private ☐ Other

**Describe:**

names and addresses of applicants

resumes and other materials in applications for public employment

**10. Stakeholders:**

1. WA Assoc of Counties Contacted: ☒ yes ☐ no

2. Assoc of WA Cities Contacted: ☒ yes ☐ no

3. WA Federation of State Employees Contacted: ☒ yes ☐ no

4. WA Public Employees Assoc Contacted: ☒ yes ☐ no

**11. Add'l bill**

**Information:** Floor debate: ☒ yes ☐ no

Bill Reports: ☒ yes ☐ no

**12. Comments** (including significant court decisions; related WACs sections, or other).

Bill reports, Veto message, Point of inquiry in House.

**Staff Member:** Jean Wilkinson

**SubCommittee:**

Notes:

1. **Exemption.** RCW citation for exemption.
2. **Category.** Category of exceptions based on RCW 42.56.230 - .610.
3. **Session Law.** List session law for exemption and any amendments.
4. **Cross-reference.** List any other statute that also addresses this exemption.
5. **Date Enacted.** Enactment date and date of any amendments.
6. **Text.** Inset complete text of exemption.
7. **Exemption Protects.** These are broad categories of the types of interests the exemption is designed to protect. The mere fact that an exception falls into one of these categories is not meant to suggest it's legitimate or a proper exemption. More detail would be provided in the "purpose" section.
  - "Safety" would including information that, if disclosed, would put an individual or the general public at risk. Example: .240(3) witness identities in criminal investigations.
  - Privacy" would including public employees' privacy and the privacy of citizens and businesses that provide information to public agencies. Example: .250(3) addresses/ phone numbers of public employees.
  - "Financial" would include financial information for citizens or businesses that is provided to a public agency, but the provider would not give to a competitor or the general public. Many of these exemption are contained in section .270 and .400.
  - "Other" would be for exemptions serving other purposes.
8. **Purpose** (including purpose of complete legislation if applicable). This provides details about specific purpose of the exemption and the interests it protects. This would come for the enacting legislation, the legislative history and testimony from the exemption's supporters. This also allows us to evaluate the harms that will be caused if the information is released. For example, the purpose of the real estate appraisal exemption is to prevent the public from having to pay more for property than they would in a standard arms-length transaction.
9. **Information covered.** This category helps us know what information is being withheld so we can know the public's interest in knowing this information. The description would provide details, such as whether the exempt material are applications or statistical information or communications or reports. There can of course be multiple types of information the is covered.
  - "About gov't function." Record provides insight into the function of government.
  - "Collected/held by gov't." Records reflect information collected by the public agency and/or are the actual materials collected by the agency from third parties or employees.
  - "Public funds." Records reflect expenditure of public funds.
  - "Public official." Record reflects actions of public official.
  - "Vital gov't interest." Record reflects information related to a vital government interest that if disclosed, would jeopardize that interest the public's detriment.
  - "Confidential/private." Records contain confidential or private information.
10. **Stakeholders.** The Act requires that we consider input from stakeholders.
11. **Add'l bill information.** Provided to assist in finding additional legislative history.
12. **Comments.** Place for miscellaneous comments including significant court decisions, related sections of the Washington Administrative Code, or other comments.

**RCW 42.56.250****Employment and licensing.**

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;

(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 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; and

(6) Except as provided in RCW 47.64.220, salary and employee benefit information collected under RCW 47.64.220(1) and described in RCW 47.64.220(2).

[2006 c 209 § 6; 2005 c 274 § 405.]

# 1987 SESSION LAWS

OF THE

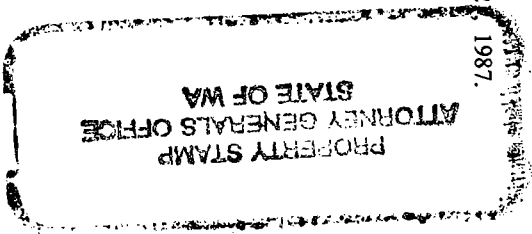
## STATE OF WASHINGTON

REGULAR SESSION  
FIFTIETH LEGISLATURE

Convened January 12, 1987. Adjourned April 26, 1987.

1st EXTRAORDINARY SESSION  
FIFTIETH LEGISLATURE

Convened April 27, 1987. Adjourned May 2, 1987.



Published at Olympia by the Statute Law Committee pursuant to Chapter 6, Laws of 1969.

DENNIS W. COOPER  
Code Reviser

the application of the provision to other persons or circumstances is not affected.

Passed the House April 15, 1987.

Passed the Senate April 7, 1987.

Approved by the Governor May 18, 1987.

Filed in Office of Secretary of State May 18, 1987.

## CHAPTER 404

[Engrossed Substitute Senate Bill No. 5143]

### PUBLIC DISCLOSURE—JOB APPLICATIONS, EMPLOYEE AND VOLUNTEER RESIDENTIAL INFORMATION, AND PUBLIC UTILITY CUSTOMER RESIDENTIAL INFORMATION

AN ACT Relating to exemption from public disclosure of the contents of public employment applications and the addresses and telephone numbers of natural persons; reenacting and amending RCW 42.17.310; and adding new sections to chapter 42.17 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 31, chapter 1, Laws of 1973 as last amended by section 7, chapter 276, Laws of 1986 and by section 25, chapter 299, Laws of 1986 and RCW 42.17.310 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) 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.

(c) 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 (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) 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.

(e) Information revealing the identity of persons 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: **PROVIDED**, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: **PROVIDED**, **FURTHER**, That all complaints filed with the public disclosure commission about any elected official or

candidate for public office must be made in writing and signed by the complainant under oath.

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

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed 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.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Except as provided under section 2 of this 1987 act, all applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(r) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(s) 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.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

**\*NEW SECTION. Sec. 2. A new section is added to chapter 42.17 RCW to read as follows:**

*All applications and resumes of persons who apply for an executive position with an agency shall be available for public inspection and copying unless the agency: (1) Has adopted a policy requiring the agency's preparation of a list of applicants that includes all applicants who have submitted information in addition to that requested by the public agency in the original application; and (2) makes that list, together with the applications and resumes of the persons on the list, available for public inspection when selected and at least five days before it makes its final selection. The term "executive position" means any position the primary duties of which consist of the management of the public agency by which the person is employed or of a customarily recognized department.*

\*Sec. 2 was vetoed, see message at end of chapter.

**NEW SECTION. Sec. 3. A new section is added to chapter 42.17 RCW to read as follows:**

Nothing in RCW 42.17.310(1) (q) through (s) shall affect a positive duty of an agency to disclose or a positive duty to withhold information which duty to disclose or withhold is contained in any other law.

Passed the Senate April 18, 1987.

Passed the House April 13, 1987.

Approved by the Governor May 18, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 18, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 2, Engrossed Substitute Senate Bill No. 5143, entitled:

"AN ACT Relating to exemption from public disclosure of the contents of public employment applications and the addresses and telephone numbers of natural persons."

This bill adds provisions to the public disclosure law to exempt from public inspection and copying applications for public employment, residential addresses and telephone numbers of employees and volunteers of a public agency, and residential addresses and telephone numbers of public utility customers. A separate section makes public employment and applications materials if the application is for an executive position.

I support the exemptions from disclosure for residential addresses and telephone numbers. Concerns have been raised regarding public safety where such information is available to the public. There appears to be no compelling public policy reason why this personal information should be generally available.

Under state law, personal information regarding public employees maintained in public agency files, is not disclosable if disclosure violates a right to privacy. Further, the Open Public Meetings Act (Chapter 42.30 RCW) allows public entities to evaluate qualifications of an applicant for public employment in an executive session, so long as the final hiring and salary setting is done in an open meeting. This bill would specifically exempt public employment applications, resumes and other materials submitted from disclosure, unless the application is for an executive position.

Section 2 of the bill causes particular concern to me given the broad access to information about executive position job applicants. It would require disclosure of "all applications and resumes" of executive position applicants. Applications and resumes for this level of position by their nature must be very complete and thorough.

Most top executives are reluctant to jeopardize their present employment position and, more importantly, the relationships that go with that position, which would result from publicizing their application for another position. The disclosure requirement would seriously impact the size and, more importantly, the quality of the pool of applicants. I believe this is true of both the business world as well as the public sector world of executive employment.

I have vetoed section 2 because it will frustrate efforts by public elected and appointed officials and managers to recruit and hire the best at all levels of government. I remain committed to trying to attract the best people to public employment and feel this section would only frustrate the efforts of the many elected officials and managers who share this goal.

With the exception of section 2, Engrossed Substitute Senate Bill No. 5143 is approved."

**HOUSE JOURNAL**  
**OF THE**  
**Fiftieth Legislature**  
**OF THE**  
**STATE OF WASHINGTON**  
**AT**  
**Olympia, the State Capitol**

**VOLUME I**

**1987 Regular Session**  
**Convened January 12, 1987**  
**Adjourned Sine Die April 26, 1987**



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**Joseph E. King, Speaker**  
**John L. O'Brien, Speaker Pro Tempore**  
**Alan Thompson, Chief Clerk**  
**Sharon L. Case, Assistant Chief Clerk**  
**Eljo Sutherland, Minute/Journal Clerk**  
**Patsy Ellis, Minute/Journal Clerk**

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ENGROSSED SUBSTITUTE SENATE BILL NO. 5143, by Committee on Judiciary (originally sponsored by Senators Talmadge, Newhouse and Kreidler)

Exempting the contents of public employment applications and the addresses and phone numbers of natural persons from public disclosure.

The bill was read the second time. Committee on Constitution, Elections & Ethics recommendation. Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Ms. Fisher moved adoption of the committee amendment.

#### POINT OF INQUIRY

Ms. Fisher yielded to question by Ms. Leonard.

Ms. Leonard: Section 2(1) of the committee amendment describes applicants for an executive position with a public agency who have submitted information in addition to that requested by the agency in the original application. Does this description include an applicant who has been interviewed for the position and has supplied any such additional information in the interview?

Ms. Fisher: Yes.

The committee amendment was adopted.

The committee amendment to the title was adopted.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Fisher and Sanders spoke in favor of passage of the bill.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5143 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Yelling Yeas: Representatives Allen, Amundson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzold, Braddock, Brekke, Bristol, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Handlins, Hartgrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesemid, King P., King R., Kremen, Leonard, Lewis, Locke, Lux, Mary, McLean, McMullen, Meyers, Miller, Moyer, Nedley, Nelson, Niemi, Nulley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Sommers D., Sommers H., Spaul, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Velick, Volk, Walker, Wang, Williams B., Williams J., Wilson K., Wilson S., Wineberry, Winsley, Zelinsky, and Mr. Specker - 95.

Excused: Representatives Chandler, Madsen, Smith L. - 3.

Engrossed Substitute Senate Bill No. 5143 as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5172, by Senators Talmadge, Nelson, Halsen, Hayner, Newhouse and Moore

Revising provisions relating to victims and witnesses of crimes.

The bill was read the second time.

On motion of Mr. McMullen, the following amendment was adopted:

On page 4, after line 3, insert the following:

NEW SECTION, Sec. 2. A new section is added to chapter 7.68 RCW to read as follows:

If a defendant has paid restitution pursuant to court order under RCW 9.92.060, 9.95.210, or 9A.20.030 and the victim entitled to restitution cannot be found or has died, the clerk of the court shall deposit with the county treasurer the amount of restitution unable to be paid to the victim. The county treasurer shall monthly transmit the money to the state treasurer for deposit as provided in RCW 43.08.250."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On motion of Mr. Locke, the following amendment by Representatives Locke, Padden and Armstrong was adopted:

On page 7, after line 16, insert the following:

"Sec. 5. Section 2, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 11, chapter 443, Laws of 1985 and RCW 7.68.020 are each amended to read as follows:

The following words and phrases as used in this chapter have the meanings set forth in this section unless the context otherwise requires.

(1) 'Department' means the department of labor and industries.

(2) 'Criminal act' means an act committed or attempted in this state which is punishable as a felony or gross misdemeanor under the laws of this state, except as follows:

(a) The operation of a motor vehicle, motorcycle, train, boat, or aircraft in violation of law does not constitute a 'criminal act' unless:

(i) The injury or death was intentionally inflicted;

(ii) The operation thereof was part of the commission of another non-vehicular criminal act as defined in this section; or

(iii) The death or injury was the result of the operation of a motor vehicle after July 24, 1983, and a (correction) preponderance of the evidence establishes that the death or injury was the result of vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522 (has been amended);

(b) Neither an acquittal in a criminal prosecution nor the absence of any such prosecution is admissible in any claim or proceeding under this chapter as evidence of the noncriminal character of the acts giving rise to such claim or proceeding, except as provided for in subsection (2)(c)(iii) of this section.

(c) Evidence of a criminal conviction arising from acts which are the basis for a claim or proceeding under this chapter is admissible in such claim or proceeding for the limited purpose of proving the criminal character of the acts; and

(d) Acts which, but for the insanity or mental irresponsibility of the perpetrator, would constitute criminal conduct are deemed to be criminal conduct within the meaning of this chapter.

(3) 'Victim' means a person who suffers bodily injury or death as a proximate result of a criminal act of another person, the victim's own good faith and reasonable effort to prevent a criminal act, or his good faith effort to apprehend a person reasonably suspected of engaging in a criminal act. For the purposes of receiving benefits pursuant to this chapter, 'victim' is interchangeable with 'employee' or 'workman' as defined in chapter 51.08 RCW as now or hereafter amended.

(4) 'Child,' 'accredited school,' 'dependent,' 'beneficiary,' 'average monthly wage,' 'director,' 'injury,' 'invalid,' 'permanent partial disability,' and 'permanent total disability' have the meanings assigned to them in chapter 51.08 RCW as now or hereafter amended.

(5) 'Gainfully employed' means engaging on a regular and continuous basis in a lawful activity from which a person derives a livelihood.

(6) 'Private insurance' means any source of recompense provided by contract available as a result of the claimed injury or death at the time of such injury or death, or which becomes available any time thereafter.

(7) 'Public insurance' means any source of recompense provided by statute, state or federal, available as a result of the claimed injury or death at the time of such injury or death, or which becomes available any time thereafter.

Sec. 6. Section 7, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 15, chapter 443, Laws of 1985 and RCW 7.68.070 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.030, 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or his family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, and the rights, duties, responsibilities, limitations, and procedures applicable to a workman as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person is entitled to benefits under this chapter when the injury for which benefits are sought was:

(a) The result of consent, provocation, or incitement by the victim;

(b) Sustained while the crime victim, was engaged in the attempt to commit, or the commission of, a felony; or

(c) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.



FINAL BILL REPORT

SSB 5143

PARTIAL VETO

C 404 L 87

BY Senate Committee on Judiciary (originally sponsored by  
Senators Talmadge, Newhouse and Kreidler)

Exempting the contents of public employment applications  
and the addresses and phone numbers of natural persons from  
public disclosure.

Senate Committee on Judiciary

House Committee on Constitution, Elections & Ethics

SYNOPSIS AS ENACTED

BACKGROUND:

Washington's public disclosure laws require that public records be open for public inspection. Agencies are required to make their copying facilities available to the public to the extent that agency operations are not unreasonably disrupted. Certain types of records are exempt from public inspection and copying. These exemptions do not apply if the protected information can be deleted from the specific records sought, or if the superior court finds, after a hearing, that the exemption is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

There is currently uncertainty as to the extent of an individual's right of privacy with respect to the disclosure of public records. A recent Supreme Court decision, *In Re Rosier*, 105 Wn.2d 606 (1986), held that there is no privacy interest in the disclosure of names and addresses unless the context of the disclosure reveals information of a personal or unique nature. Subsequently,

a lower court decision, citing Rosier, allowed for the release of the requested addresses of library employees and applicants. The primary concern is that such disclosure may, in certain circumstances, jeopardize the safety of public employees, particularly in those situations involving domestic violence or harassment.

#### SUMMARY:

All applications, resumes, and other related materials submitted for public employment, other than executive positions, are exempt from public inspection and copying.

Applications and resumes of persons who apply for executive positions are available for public inspection and copying unless the agency: (1) adopts a policy requiring the preparation of a list of applicants who submit information in addition to that requested in the original application; and (2) makes that list, together with applications and resumes, available for public inspection when selected and at least five days before it makes its final selection.

"Executive position" means any position which primarily consists of the management of the public agency by which the person is employed or of a customarily recognized department.

The following are also exempt from public inspection and copying: (1) the residence addresses and telephone numbers of employees or volunteers of a public agency held in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers; and (2) the residence addresses and telephone numbers of utility customers contained in records of the public utilities.

A positive duty to disclose or a positive duty to withhold information that is contained in any other law is not affected by these provisions.

#### VOTES ON FINAL PASSAGE:

Senate 46 0  
House 95 0 (House amended)  
Senate 45 0 (Senate concurred)

EFFECTIVE: July 26, 1987

Partial Veto Summary: The provisions that make applications and resumes of persons who apply for executive positions available for public inspection and copying are deleted. (See VETO MESSAGE)  
SSB 5143 6/15/99 [ ]

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HOUSE BILL REPORT

ESSB 5143

BY Senate Committee on Judiciary (originally sponsored by  
Senators Talmadge, Newhouse and Kreidler)

Exempting the contents of public employment applications  
and the addresses and phone numbers of natural persons from  
public disclosure.

House Committee on Constitution, Elections & Ethics

Majority Report: Do pass with amendments. (6)

Signed by Representatives Fisher, Chair; Pruitt, Vice  
Chair; Amondson, Barnes, Fisch and Leonard.

House Staff: Kenneth Hirst (786-7105)

AS PASSED HOUSE APRIL 13, 1987

BACKGROUND:

The state's public records law governing access to the  
records of public agencies is contained in the public  
disclosure statutes. Included among those statutes are  
provisions requiring agencies to make public records  
available for public inspection and copying as well as  
provisions exempting certain information and records from  
this requirement.

SUMMARY:

The following are exempted from the provisions of law  
permitting public inspection and copying of the records of  
public agencies: (1) the residential addresses and  
telephone numbers of employees and volunteers of a public  
agency as held by the agency in personnel records, rosters,  
and mailing lists; (2) the residential addresses and  
telephone numbers of customers of a public utility  
contained in records or lists held by the public utility of  
which they are customers; and (3) the names of applicants  
other than those for executive positions and the

applications and related matter submitted with the applications.

Applications and resumes of persons who apply for an executive position with an agency are available for public inspection and copying unless the agency has adopted a policy requiring the preparation and disclosure of a list of all applicants who have submitted information in addition to that requested in the original application. In such a case, the agency must make the list and the applications and resumes of the people on the list available for public inspection at least five days before the agency makes its final selection.

An executive position is a position for which the primary duties consist of agency management or management of a customarily recognized department.

Fiscal Note: Not Requested.

House Committee - Testified For: Leslie James and Dennis Barge, Department of Social & Health Services; Peter King, Association of Washington Cities; Dave Rogers, Washington PUD Association; Ted Natt, Allied Daily Newspapers.

House Committee - Testified Against: Steven Olswang, University of Washington.

House Committee - Testimony For: (1) The bill will make application records more available. (2) The Longview City Council refused to release information regarding the other applicants for the city manager position until nearly one month after announcing the council's final selection for the position.

House Committee - Testimony Against: If affirmative action information is needed from an applicant, the applicant is contacted. This contact could constitute an interview under the bill and therefore, would make application information for all positions at the University of Washington subject to public inspection. Such a situation will affect the content of peer evaluations and the ability of some persons to apply for positions.

ESSB 5143 6/15/99 [ ]

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SENATE BILL REPORT

ESSB 5143

BY Senate Committee on Judiciary (originally sponsored by  
Senators Talmadge, Newhouse and Kreidler)

Exempting the contents of public employment applications  
and the addresses and phone numbers of natural persons from  
public disclosure.

Senate Committee on Judiciary

Senate Hearing Date(s): January 26, 1987; February 25, 1987

Majority Report: That Substitute Senate Bill No. **5143** be  
substituted therefor, and the substitute bill do pass.

Signed by Senators Talmadge, Chairman; Bottiger,  
McCaslin, Nelson, Newhouse.

Minority Report: Do not pass.

Signed by Senator Halsan, Vice Chairman.

Senate Staff: Jon Carlson (786-7459)  
April 14, 1987

AS PASSED SENATE, MARCH 5, 1987

BACKGROUND:

Washington's public disclosure laws require that public records be open for public inspection. Agencies are required to make their copying facilities available to the public to the extent that agency operations are not unreasonably disrupted. Certain types of records are exempt from public inspection and copying. These exemptions do not apply if the protected information can be deleted from the specific records sought, or if the superior court finds, after a hearing, that the exemption is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

There is currently uncertainty as to the extent of an individual's right of privacy with respect to the

disclosure of public records. A recent Supreme Court decision, In Re Rosier, 105 Wn.2d 606 (1986), held that there is no privacy interest in the disclosure of names and addresses unless the context of the disclosure reveals information of a personal or unique nature. Subsequently, a lower court decision, citing Rosier, allowed for the release of the requested addresses of library employees and applicants. The primary concern is that such disclosure may, in certain circumstances, jeopardize the safety of public employees, particularly in those situations involving domestic violence or harassment.

#### SUMMARY:

Names of applicants other than those interviewed for public employment positions and the applications, resumes and other materials submitted with an application for public employment are exempt from public inspection and copying.

The following are also exempt from public inspection and copying: 1) the residence addresses and telephone numbers of public employees held by their agencies in personnel records; 2) the residence addresses and telephone numbers of persons who volunteer service to public agencies contained in the agency records; and 3) the residence addresses and telephone numbers of utility customers contained in records of the public utilities.

The amendatory language does not affect a positive duty to disclose or a positive duty to withhold information that is contained in any other law.

Fiscal Note: none requested

Senate Committee - Testified: Mark Brown, Washington Federation of State Employees; Lonnie Johns-Brown, Washington State Shelter Network and NOW; Mark Allen, Washington State Association of Broadcasters; Eugene St. John, Washington Public Employees Association; Sam Kinville, County and City Employees; Mike Hoge, attorney, Seattle Public Schools; Charlie Marsh, Washington State Council of Police Officers

#### HOUSE AMENDMENT:

All applications, resumes, and other related materials submitted for public employment positions, other than

executive positions, are exempt from public inspection and copying.

Applications and resumes of persons who apply for executive positions are available for public inspection and copying unless: (1) the agency adopts a policy requiring the agency to prepare a list of applicants who submit information in addition to that requested by the public agency in the original application; and (2) the agency makes that list, together with applications and resumes, available for public inspection when selected and at least five days before it makes its final selection.

"Executive position" means any position which primarily consists of the management of the public agency by which the person is employed or of a customarily recognized department.

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