Chapter 42.56 RCW
PUBLIC RECORDS ACT

Sections

42.56.001 Finding, purpose.
42.56.010 Definitions.
42.56.020 Short title.
42.56.030 Construction.
42.56.040 Duty to publish procedures.
42.56.050 Invasion of privacy, when.
42.56.060 Disclaimer of public liability.
42.56.070 Documents and indexes to be made public—Statement of costs.
42.56.080 Identifiable records—Facilities for copying—Availability of public records.
42.56.090 Times for inspection and copying—Posting on website.
42.56.100 Protection of public records—Public access.
42.56.110 Destruction of information relating to employee misconduct.
42.56.120 Charges for copying.
42.56.130 Other provisions not superseded.
42.56.140 Public records exemptions accountability committee.
42.56.141 Public records exemptions accountability committee—Wolf depredation information exemption.
42.56.150 Training—Local elected and statewide elected officials.
42.56.152 Training—Public records officers.
42.56.155 Assistance by attorney general.
42.56.210 Certain personal and other records exempt.
42.56.230 Personal information.
42.56.235 Religious affiliation exemption.
42.56.240 Investigative, law enforcement, and crime victims.
42.56.250 Employment and licensing.
42.56.260 Real estate transactions.
42.56.270 Financial, commercial, and proprietary information.
42.56.280 Preliminary drafts, notes, recommendations, intra-agency memorandums.
42.56.290 Agency party to controversy.
42.56.300 Archaeological sites.
42.56.310 Library records.
42.56.315 Certain student information.
42.56.320 Educational information.
42.56.325 Statewide electronic repository for school meals.
42.56.330 Public utilities and transportation.
42.56.335 Public utility districts and municipally owned electrical utilities—Restrictions on access by law enforcement authorities.
42.56.350 Health professionals.
42.56.355 Interstate medical licensure compact.
42.56.357 Interstate physician assistant licensure compact.
42.56.360 Health care.
42.56.365 Vital records.
42.56.370 Client records of domestic violence programs, or community sexual assault programs or services for underserved populations.

42.56.375 Sexual misconduct—Postsecondary educational institutions—Personal information of witnesses and victims.
42.56.380 Agriculture and livestock.
42.56.390 Emergency or transitional housing.
42.56.395 Affordable housing occupants and tenants.
42.56.400 Insurance and financial institutions.
42.56.403 Property and casualty insurance statements of actuarial opinion.
42.56.410 Employment security department records, certain purposes.
42.56.420 Security.
42.56.422 Office of cybersecurity—Reports and information.
42.56.423 Cybersecurity advisory committee and technology services board security subcommittee.
42.56.425 Election security.
42.56.430 Fish and wildlife.
42.56.440 Veterans' discharge papers—Exceptions.
42.56.450 Check cashers and sellers licensing applications.
42.56.460 Fireworks and explosives.
42.56.470 Correctional industries workers.
42.56.475 Department of corrections and private detention facilities.
42.56.510 Duty to disclose or withhold information—Otherwise provided.
42.56.520 Prompt responses required.
42.56.530 Review of agency denial.
42.56.540 Court protection of public records.
42.56.550 Judicial review of agency actions.
42.56.556 Failure to provide recording of school district board of directors meeting.
42.56.560 Application of RCW 42.56.550.
42.56.565 Inspection or copying by persons serving criminal sentences—Injunction.
42.56.570 Explanatory pamphlet—Advisory model rules—Consultation and training services.
42.56.580 Public records officers.
42.56.590 Personal information—Notice of security breaches.
42.56.592 Personal information—Covered entities.
42.56.594 Personal information—Consumer protection.
42.56.600 Mediation communications.
42.56.610 Certain information from dairies and feedlots limited—Rules.
42.56.615 Enumeration data used by the office of financial management for population estimates.
42.56.620 Cannabis research licensee reports.
42.56.625 Medical cannabis authorization database.
42.56.630 Registration information of members of cooperatives to produce and process medical cannabis.
42.56.640 Vulnerable individuals, in-home caregivers for vulnerable populations.
42.56.645 Release of public information—2017 c 4 (Initiative Measure No. 1501).
42.56.650 Health carrier data.
42.56.655 Explosives exemption report.
42.56.660 Agency employee records.
42.56.665 Agency employee records—Civil liability.

42.56.670 Agency employee records—Model policies.
42.56.675 Agency employee records—Lists of names.
42.56.680 Residential real property information and borrower personal information.
42.56.690 Victim and witness notification program.
42.56.692 Victim and witness notification program—Notification enrollment.
42.56.695 Intelligent speed assistance devices.
42.56.700 Driver training education course voucher program.
42.56.705 Pregnancy-related accommodations.
42.56.900 Purpose—2005 c 274 ss 402-429.
42.56.904 Intent—2007 c 391.

Criminal records privacy: Chapter 10.97 RCW.

Restrictions on dissemination of child forensic interview recordings: RCW 26.44.187 and 26.44.188.

RCW 42.56.001 Finding, purpose. The legislature finds that *chapter 42.17 RCW contains laws relating to several discrete subjects. Therefore, the purpose of chapter 274, Laws of 2005 is to recodify some of those laws and create a new chapter in the Revised Code of Washington that contains laws pertaining to public records. [2005 c 274 s 1.]

***Reviser's note:** Provisions in chapter 42.17 RCW relating to public records were recodified in chapter 42.56 RCW by 2005 c 274, effective July 1, 2006. Provisions in chapter 42.17 RCW relating to campaign disclosure and contribution were recodified in chapter 42.17A RCW by 2010 c 204, effective January 1, 2012. Chapter 42.17A RCW was recodified into Title 29B RCW by 2024 c 164, effective January 1, 2026.

RCW 42.56.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency. "Agency" does not include a comprehensive cancer center participating in a collaborative arrangement as defined in RCW 28B.10.930 that is operated in conformance with RCW 28B.10.930.

(2) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, "person in interest" means and includes the parent or duly appointed legal representative.

(3) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public

records means legislative records as defined in RCW 40.14.100 and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives. This definition does not include records that are not otherwise required to be retained by the agency and are held by volunteers who:

(a) Do not serve in an administrative capacity;

(b) Have not been appointed by the agency to an agency board, commission, or internship; and

(c) Do not have a supervisory role or delegated agency authority.

(4) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated. [2022 c 71 s 6; 2017 c 303 s 1; 2010 c 204 s 1005; 2007 c 197 s 1; 2005 c 274 s 101.]

Findings—Intent—2022 c 71: See note following RCW 28B.10.930.

Effective date—2010 c 204 ss 101-504, 506-601, 603-702, and 801-1103: See note following RCW 29B.15.010.

RCW 42.56.020 Short title. This chapter may be known and cited as the public records act. [2005 c 274 s 102.]

RCW 42.56.030 Construction. The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created. This chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy and to assure that the public interest will be fully protected. In the event of conflict between the provisions of this chapter and any other act, the provisions of this chapter shall govern. [2007 c 197 s 2; 2005 c 274 s 283; 1992 c 139 s 2. Formerly RCW 42.17.251.]

RCW 42.56.040 Duty to publish procedures. (1) Each state agency shall separately state and currently publish in the Washington Administrative Code and each local agency shall prominently display and make available for inspection and copying at the central office of such local agency, for guidance of the public:

(a) Descriptions of its central and field organization and the established places at which, the employees from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain copies of agency decisions;

(b) Statements of the general course and method by which its operations are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(c) Rules of procedure;

(d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(e) Each amendment or revision to, or repeal of any of the foregoing.

(2) Except to the extent that he or she has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published or displayed and not so published or displayed. [2012 c 117 s 127; 1973 c 1 s 25 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.250.]

Effective date—Construction—1973 c 1: See notes following RCW 29B.05.010.

RCW 42.56.050 Invasion of privacy, when. A person's "right to privacy," "right of privacy," "privacy," or "personal privacy," as these terms are used in this chapter, is invaded or violated only if disclosure of information about the person: (1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. The provisions of this chapter dealing with the right to privacy in certain public records do not create any right of privacy beyond those rights that are specified in this chapter as express exemptions from the public's right to inspect, examine, or copy public records. [1987 c 403 s 2. Formerly RCW 42.17.255.]

Intent—1987 c 403: "The legislature intends to restore the law relating to the release of public records largely to that which existed prior to the Washington Supreme Court decision in "*In Re Rosier*," 105 Wn.2d 606 (1986). The intent of this legislation is to make clear that: (1) Absent statutory provisions to the contrary, agencies possessing records should in responding to requests for disclosure not make any distinctions in releasing or not releasing records based upon the identity of the person or agency which requested the records, and (2) agencies having public records should rely only upon statutory exemptions or prohibitions for refusal to provide public records. Further, to avoid unnecessary confusion, "privacy" as used in RCW 42.17.255 is intended to have the same meaning as the definition given that word by the Supreme Court in "*Hearst v. Hoppe*," 90 Wn.2d 123, 135 (1978)." [1987 c 403 s 1.]

Severability—1987 c 403: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 403 s 7.]

RCW 42.56.060 Disclaimer of public liability. No public agency, public official, public employee, or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon the release of a public record if the public agency, public official,

public employee, or custodian acted in good faith in attempting to comply with the provisions of this chapter. [1992 c 139 s 11. Formerly RCW 42.17.258.]

RCW 42.56.070 Documents and indexes to be made public—Statement of costs. (1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (8) of this section, this chapter, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by this chapter, an agency shall delete identifying details in a manner consistent with this chapter when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) For informational purposes, each agency shall publish and maintain a current list containing every law, other than those listed in this chapter, that the agency believes exempts or prohibits disclosure of specific information or records of the agency. An agency's failure to list an exemption shall not affect the efficacy of any exemption.

(3) Each local agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after January 1, 1973:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(4) A local agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

(5) Each state agency shall, by rule, establish and implement a system of indexing for the identification and location of the following records:

(a) All records issued before July 1, 1990, for which the agency has maintained an index;

(b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010 and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(d) Interpretive statements as defined in RCW 34.05.010 that were entered after June 30, 1990; and

(e) Policy statements as defined in RCW 34.05.010 that were entered after June 30, 1990.

Rules establishing systems of indexing shall include, but not be limited to, requirements for the form and content of the index, its location and availability to the public, and the schedule for revising or updating the index. State agencies that have maintained indexes for records issued before July 1, 1990, shall continue to make such indexes available for public inspection and copying. Information in such indexes may be incorporated into indexes prepared pursuant to this subsection. State agencies may satisfy the requirements of this subsection by making available to the public indexes prepared by other parties but actually used by the agency in its operations. State agencies shall make indexes available for public inspection and copying. State agencies may charge a fee to cover the actual costs of providing individual mailed copies of indexes.

(6) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if:

(a) It has been indexed in an index available to the public; or

(b) Parties affected have timely notice (actual or constructive) of the terms thereof.

(7) Each agency may establish, maintain, and make available for public inspection and copying a statement of the actual costs that it charges for providing photocopies or electronically produced copies, of public records and a statement of the factors and manner used to determine the actual costs. Any statement of costs may be adopted by an agency only after providing notice and public hearing.

(a)(i) In determining the actual cost for providing copies of public records, an agency may include all costs directly incident to copying such public records including:

(A) The actual cost of the paper and the per page cost for use of agency copying equipment; and

(B) The actual cost of the electronic production or file transfer of the record and the use of any cloud-based data storage and processing service.

(ii) In determining other actual costs for providing copies of public records, an agency may include all costs directly incident to:

(A) Shipping such public records, including the cost of postage or delivery charges and the cost of any container or envelope used; and

(B) Transmitting such records in an electronic format, including the cost of any transmission charge and use of any physical media device provided by the agency.

(b) In determining the actual costs for providing copies of public records, an agency may not include staff salaries, benefits, or

other general administrative or overhead charges, unless those costs are directly related to the actual cost of copying the public records. Staff time to copy and send the requested public records may be included in an agency's costs.

(8) This chapter shall not be construed as giving authority to any agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives shall not do so unless specifically authorized or directed by law: PROVIDED, HOWEVER, That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: PROVIDED FURTHER, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.05 RCW, the administrative procedure act. [2017 c 304 s 1; 2005 c 274 s 284; 1997 c 409 s 601. Prior: 1995 c 397 s 11; 1995 c 341 s 1; 1992 c 139 s 3; 1989 c 175 s 36; 1987 c 403 s 3; 1975 1st ex.s. c 294 s 14; 1973 c 1 s 26 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.260.]

Part headings—Severability—1997 c 409: See notes following RCW 43.22.051.

Effective date—1995 c 397: See note following RCW 29B.40.020.

Effective date—1989 c 175: See note following RCW 34.05.010.

Intent—Severability—1987 c 403: See notes following RCW 42.56.050.

Effective date—Construction—1973 c 1: See notes following RCW 29B.05.010.

Exemption for registered trade names: RCW 19.80.065.

Paid family and medical leave information: RCW 50A.05.020(4).

RCW 42.56.080 Identifiable records—Facilities for copying—Availability of public records. (1)(a) A public records request must be for identifiable records. A request for all or substantially all records prepared, owned, used, or retained by an agency is not a valid request for identifiable records under this chapter, provided that a request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all of an agency's records.

(b) A request for a recording required to be maintained by a school district board of directors under RCW 42.30.035(2) shall only be considered a valid request for an identifiable record when the date of the recording, or a range of dates, is specified in the request. When searching for and providing identifiable recordings, no search criteria except date must be considered by the school district.

(2) Public records shall be available for inspection and copying, and agencies shall, upon request for identifiable public records, make them promptly available to any person including, if applicable, on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure. Agencies shall not deny a request for identifiable public records solely on the basis that the request is overbroad. Agencies shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate RCW 42.56.070(8) or 42.56.240(14), or other statute which exempts or prohibits disclosure of specific information or records to certain persons. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. Agencies shall honor requests received in person during an agency's normal office hours, or by mail or email, for identifiable public records unless exempted by provisions of this chapter. No official format is required for making a records request; however, agencies may recommend that requestors submit requests using an agency provided form or web page.

(3) An agency may deny a bot request that is one of multiple requests from the requestor to the agency within a twenty-four hour period, if the agency establishes that responding to the multiple requests would cause excessive interference with other essential functions of the agency. For purposes of this subsection, "bot request" means a request for public records that an agency reasonably believes was automatically generated by a computer program or script. [2023 c 67 s 1; 2017 c 304 s 2; 2016 c 163 s 3. Prior: 2005 c 483 s 1; 2005 c 274 s 285; 1987 c 403 s 4; 1975 1st ex.s. c 294 s 15; 1973 c 1 s 27 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.270.]

Effective date—2023 c 67: See note following RCW 42.30.035.

Finding—Intent—2016 c 163: See note following RCW 42.56.240.

Intent—Severability—1987 c 403: See notes following RCW 42.56.050.

Effective date—Construction—1973 c 1: See notes following RCW 29B.05.010.

RCW 42.56.090 Times for inspection and copying—Posting on website. Public records shall be available for inspection and copying during the customary office hours of the agency, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives for a minimum of thirty hours per week, except weeks that include state legal holidays, unless the person making the request and the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives or its representative agree on a different time. Customary business hours must be posted on the agency or office's website and made known by other means designed to provide the public with notice. [2009 c 428 s 2; 1995 c 397 s 12; 1973 c 1 s 28

(Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.280.]

Effective date—1995 c 397: See note following RCW 29B.40.020.

Effective date—Construction—1973 c 1: See notes following RCW 29B.05.010.

RCW 42.56.100 Protection of public records—Public access. Agencies shall adopt and enforce reasonable rules and regulations, and the office of the secretary of the senate and the office of the chief clerk of the house of representatives shall adopt reasonable procedures allowing for the time, resource, and personnel constraints associated with legislative sessions, consonant with the intent of this chapter to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives. Such rules and regulations shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information. Nothing in this section shall relieve agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives from honoring requests received by mail for copies of identifiable public records.

If a public record request is made at a time when such record exists but is scheduled for destruction in the near future, the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives shall retain possession of the record, and may not destroy or erase the record until the request is resolved. [1995 c 397 s 13; 1992 c 139 s 4; 1975 1st ex.s. c 294 s 16; 1973 c 1 s 29 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.290.]

Effective date—1995 c 397: See note following RCW 29B.40.020.

Effective date—Construction—1973 c 1: See notes following RCW 29B.05.010.

RCW 42.56.110 Destruction of information relating to employee misconduct. Nothing in this chapter prevents an agency from destroying information relating to employee misconduct or alleged misconduct, in accordance with RCW 41.06.450, to the extent necessary to ensure fairness to the employee. [1982 c 208 s 13. Formerly RCW 42.17.295.]

RCW 42.56.120 Charges for copying. (1) No fee shall be charged for the inspection of public records or locating public documents and making them available for copying, except as provided in RCW 42.56.240(14) and subsection (3) of this section. A reasonable charge may be imposed for providing copies of public records and for the use by any person of agency equipment or equipment of the office of the secretary of the senate or the office of the chief clerk of the house

of representatives to copy public records, which charges shall not exceed the amount necessary to reimburse the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives for its actual costs directly incident to such copying. When calculating any fees authorized under this section, an agency shall use the most reasonable cost-efficient method available to the agency as part of its normal operations. If any agency translates a record into an alternative electronic format at the request of a requestor, the copy created does not constitute a new public record for purposes of this chapter. Scanning paper records to make electronic copies of such records is a method of copying paper records and does not amount to the creation of a new public record.

(2)(a) Agency charges for actual costs may only be imposed in accordance with the costs established and published by the agency pursuant to RCW 42.56.070(7), and in accordance with the statement of factors and manner used to determine the actual costs. In no event may an agency charge a per page cost greater than the actual cost as established and published by the agency.

(b) An agency need not calculate the actual costs it charges for providing public records if it has rules or regulations declaring the reasons doing so would be unduly burdensome. To the extent the agency has not determined the actual costs of copying public records, the agency may not charge in excess of:

(i) Fifteen cents per page for photocopies of public records, printed copies of electronic public records when requested by the person requesting records, or for the use of agency equipment to photocopy public records;

(ii) Ten cents per page for public records scanned into an electronic format or for the use of agency equipment to scan the records;

(iii) Five cents per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery; and

(iv) Ten cents per gigabyte for the transmission of public records in an electronic format or for the use of agency equipment to send the records electronically. The agency shall take reasonable steps to provide the records in the most efficient manner available to the agency in its normal operations; and

(v) The actual cost of any digital storage media or device provided by the agency, the actual cost of any container or envelope used to mail the copies to the requestor, and the actual postage or delivery charge.

(c) The charges in (b) of this subsection may be combined to the extent that more than one type of charge applies to copies produced in response to a particular request.

(d) An agency may charge a flat fee of up to two dollars for any request as an alternative to fees authorized under (a) or (b) of this subsection when the agency reasonably estimates and documents that the costs allowed under this subsection are clearly equal to or more than two dollars. An additional flat fee shall not be charged for any installment after the first installment of a request produced in installments. An agency that has elected to charge the flat fee in this subsection for an initial installment may not charge the fees authorized under (a) or (b) of this subsection on subsequent installments.

(e) An agency shall not impose copying charges under this section for access to or downloading of records that the agency routinely

posts on its public internet website prior to receipt of a request unless the requestor has specifically requested that the agency provide copies of such records through other means.

(f) A requestor may ask an agency to provide, and if requested an agency shall provide, a summary of the applicable charges before any copies are made and the requestor may revise the request to reduce the number of copies to be made and reduce the applicable charges.

(3)(a)(i) In addition to the charge imposed for providing copies of public records and for the use by any person of agency equipment copying costs, an agency may include a customized service charge. A customized service charge may only be imposed if the agency estimates that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the agency for other agency purposes.

(ii) The customized service charge may reimburse the agency up to the actual cost of providing the services in this subsection.

(b) An agency may not assess a customized service charge unless the agency has notified the requestor of the customized service charge to be applied to the request, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge. The notice also must provide the requestor the opportunity to amend his or her request in order to avoid or reduce the cost of a customized service charge.

(4) An agency may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies for a request, including a customized service charge. If an agency makes a request available on a partial or installment basis, the agency may charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, the agency is not obligated to fulfill the balance of the request. An agency may waive any charge assessed for a request pursuant to agency rules and regulations. An agency may enter into any contract, memorandum of understanding, or other agreement with a requestor that provides an alternative fee arrangement to the charges authorized in this section, or in response to a voluminous or frequently occurring request. [2017 c 304 s 3; 2016 c 163 s 4; 2005 c 483 s 2. Prior: 1995 c 397 s 14; 1995 c 341 s 2; 1973 c 1 s 30 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.300.]

Finding—Intent—2016 c 163: See note following RCW 42.56.240.

Effective date—1995 c 397: See note following RCW 29B.40.020.

Effective date—Construction—1973 c 1: See notes following RCW 29B.05.010.

RCW 42.56.130 Other provisions not superseded. The provisions of RCW *42.56.070 (7) and (8) and 42.56.120 that establish or allow agencies to establish the costs charged for photocopies or electronically produced copies of public records do not supersede other statutory provisions, other than in this chapter, authorizing or governing fees for copying public records. [2017 c 304 s 4; 2005 c 274 s 286; 1995 c 341 s 3. Formerly RCW 42.17.305.]

***Reviser's note:** RCW 42.56.070 was amended by 2017 c 304 s 1, deleting subsection (8).

RCW 42.56.140 Public records exemptions accountability committee. (1)(a) The public records exemptions accountability committee is created to review exemptions from public disclosure, with thirteen members as provided in this subsection.

(i) The governor shall appoint two members, one of whom represents the governor and one of whom represents local government.

(ii) The attorney general shall appoint two members, one of whom represents the attorney general and one of whom represents a statewide media association.

(iii) The state auditor shall appoint one member.

(iv) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(v) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(vi) The governor shall appoint four members of the public, with consideration given to diversity of viewpoint and geography.

(b) The governor shall select the chair of the committee from among its membership.

(c) Terms of the members shall be four years and shall be staggered, beginning August 1, 2007.

(2) The purpose of the public records exemptions accountability committee is to review public disclosure exemptions and provide recommendations pursuant to subsection (7)(d) of this section. The committee shall develop and publish criteria for review of public exemptions.

(3) All meetings of the committee shall be open to the public.

(4) The committee must consider input from interested parties.

(5) The office of the attorney general and the office of financial management shall provide staff support to the committee.

(6) Legislative members of the committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7)(a) Beginning August 1, 2007, the code reviser shall provide the committee by August 1st of each year with a list of all public disclosure exemptions in the Revised Code of Washington.

(b) The committee shall develop a schedule to accomplish a review of each public disclosure exemption. The committee shall publish the schedule and publish any revisions made to the schedule.

(c) The chair shall convene an initial meeting of the committee by September 1, 2007. The committee shall meet at least four times a year and may hold additional meetings at the call of the chair or by a majority vote of the members of the committee.

(d) For each public disclosure exemption, the committee shall provide a recommendation as to whether the exemption should be continued without modification, modified, scheduled for sunset review at a future date, or terminated. By November 15th of each year, the committee shall transmit its recommendations to the governor, the attorney general, and the appropriate committees of the house of representatives and the senate. [2025 c 110 s 1; 2007 c 198 s 2.]

Finding—2007 c 198: "The legislature recognizes that public disclosure exemptions are enacted to meet objectives that are determined to be in the public interest. Given the changing nature of information technology and management, recordkeeping, and the increasing number of public disclosure exemptions, the legislature finds that periodic reviews of public disclosure exemptions are needed to determine if each exemption serves the public interest." [2007 c 198 s 1.]

RCW 42.56.141 Public records exemptions accountability committee—Wolf depredation information exemption. *(Expires June 30, 2027.)* By December 1, 2021, the public records exemptions accountability committee, in addition to its duties in RCW 42.56.140, must prepare and submit a report to the legislature that includes recommendations on whether the exemptions created in section 1, chapter 246, Laws of 2017 should be continued or allowed to expire. The report should focus on whether the exemption continues to serve the intent of the legislature in section 1, chapter 246, Laws of 2017 to provide protections of personal information during the period the state establishes and implements new policies regarding wolf management. The committee must consider whether the development of wolf management policy, by the time of the report, has diminished risks of threats to personal safety so that the protection of personal information in section 1, chapter 246, Laws of 2017 is no longer an ongoing necessity. [2017 c 246 s 3.]

Expiration date—2017 c 246: See note following RCW 42.56.430.

RCW 42.56.150 Training—Local elected and statewide elected officials. (1) Each local elected official and statewide elected official, and each person appointed to fill a vacancy in a local or statewide office, must complete a training course regarding the provisions of this chapter, and also chapter 40.14 RCW for records retention.

(2) Officials required to complete training under this section may complete their training before assuming office but must:

(a) Complete training no later than ninety days after the date the official either:

(i) Takes the oath of office, if the official is required to take an oath of office to assume his or her duties as a public official; or

(ii) Otherwise assumes his or her duties as a public official; and

(b) Complete refresher training at intervals of no more than four years for as long as he or she holds the office.

(3) Training must be consistent with the attorney general's model rules for compliance with the public records act.

(4) Training may be completed remotely with technology including but not limited to internet-based training. [2014 c 66 s 3.]

Findings—2014 c 66: "The legislature finds that the rights of citizens to observe the actions of their public officials and to have timely access to public records are the underpinnings of democracy and are essential for meaningful citizen participation in the democratic process. All too often, however, violations of the requirements of the

public records act and the open public meetings act by public officials and agencies result in citizens being denied this important information and materials to which they are legally entitled. Such violations are often the result of inadvertent error or a lack of knowledge on the part of officials and agencies regarding their legal duties to the public pursuant to these acts. Also, whether due to error or ignorance, violations of the public records act and open public meetings act are very costly for state and local governments, both in terms of litigation expenses and administrative costs. The legislature also finds that the implementation of simple, cost-effective training programs will greatly increase the likelihood that public officials and agencies will better serve the public by improving citizen access to public records and encouraging public participation in governmental deliberations. Such improvements in public service will, in turn, enhance the public's trust in its government and result in significant cost savings by reducing the number of violations of the public records act and open public meetings act." [2014 c 66 s 1.]

Short title—2014 c 66: "This act may be known and cited as the open government trainings act." [2014 c 66 s 6.]

Effective date—2014 c 66: "This act takes effect July 1, 2014." [2014 c 66 s 7.]

RCW 42.56.152 Training—Public records officers. (1) Public records officers designated under RCW 42.56.580 and records officers designated under RCW 40.14.040 must complete a training course regarding the provisions of this chapter, and also chapter 40.14 RCW for records retention.

(2) Public records officers must:

(a) Complete training no later than ninety days after assuming responsibilities as a public records officer or records manager; and

(b) Complete refresher training at intervals of no more than four years as long as they maintain the designation.

(3) Training must be consistent with the attorney general's model rules for compliance with the public records act.

(4) Training may be completed remotely with technology including but not limited to internet-based training.

(5) Training must address particular issues related to the retention, production, and disclosure of electronic documents, including updating and improving technology information services. [2017 c 303 s 2; 2014 c 66 s 4.]

Findings—Short title—Effective date—2014 c 66: See notes following RCW 42.56.150.

RCW 42.56.155 Assistance by attorney general. The attorney general's office may provide information, technical assistance, and training on the provisions of this chapter. [2014 c 66 s 5.]

Findings—Short title—Effective date—2014 c 66: See notes following RCW 42.56.150.

RCW 42.56.210 Certain personal and other records exempt. (1) Except for information described in *RCW 42.56.230(3)(a) and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this chapter 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.

(2) Inspection or copying of any specific records exempt under the provisions of this chapter 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.

(3) 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. [2005 c 274 s 402. Prior: (2006 c 302 s 11 expired July 1, 2006); (2006 c 75 s 2 expired July 1, 2006); (2006 c 8 s 111 expired July 1, 2006); (2003 1st sp.s. c 26 s 926 expired June 30, 2005); 2003 c 277 s 3; 2003 c 124 s 1; prior: 2002 c 335 s 1; 2002 c 224 s 2; 2002 c 205 s 4; 2002 c 172 s 1; prior: 2001 c 278 s 1; 2001 c 98 s 2; 2001 c 70 s 1; prior: 2000 c 134 s 3; 2000 c 56 s 1; 2000 c 6 s 5; prior: 1999 c 326 s 3; 1999 c 290 s 1; 1999 c 215 s 1; 1998 c 69 s 1; prior: 1997 c 310 s 2; 1997 c 274 s 8; 1997 c 250 s 7; 1997 c 239 s 4; 1997 c 220 s 120 (Referendum Bill No. 48, approved June 17, 1997); 1997 c 58 s 900; prior: 1996 c 305 s 2; 1996 c 253 s 302; 1996 c 191 s 88; 1996 c 80 s 1; 1995 c 267 s 6; prior: 1994 c 233 s 2; 1994 c 182 s 1; prior: 1993 c 360 s 2; 1993 c 320 s 9; 1993 c 280 s 35; prior: 1992 c 139 s 5; 1992 c 71 s 12; 1991 c 301 s 13; 1991 c 87 s 13; 1991 c 23 s 10; 1991 c 1 s 1; 1990 2nd ex.s. c 1 s 1103; 1990 c 256 s 1; prior: 1989 1st ex.s. c 9 s 407; 1989 c 352 s 7; 1989 c 279 s 23; 1989 c 238 s 1; 1989 c 205 s 20; 1989 c 189 s 3; 1989 c 11 s 12; prior: 1987 c 411 s 10; 1987 c 404 s 1; 1987 c 370 s 16; 1987 c 337 s 1; 1987 c 107 s 2; prior: 1986 c 299 s 25; 1986 c 276 s 7; 1985 c 414 s 8; 1984 c 143 s 21; 1983 c 133 s 10; 1982 c 64 s 1; 1977 ex.s. c 314 s 13; 1975-'76 2nd ex.s. c 82 s 5; 1975 1st ex.s. c 294 s 17; 1973 c 1 s 31 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.310.]

***Reviser's note:** RCW 42.56.230 was amended by 2011 c 173 s 1, changing subsection (3)(a) to subsection (4)(a).

Expiration date—2006 c 302 ss 9 and 11: See note following RCW 66.28.180.

Expiration date—2006 c 75 s 2: "Section 2 of this act expires July 1, 2006." [2006 c 75 s 4.]

Expiration date—2006 c 8 s 111: "Section 111 of this act expires July 1, 2006." [2006 c 8 s 404.]

Expiration date—Effective dates—2003 1st sp.s. c 26: See notes following RCW 43.88.032.

Working group on veterans' records: "The protection from identity theft for veterans who choose to file their discharge papers with the county auditor is a matter of gravest concern. At the same time, the integrity of the public record of each county is a matter of utmost importance to the economic life of this state and to the right of each citizen to be secure in his or her ownership of real property and other rights and obligations of our citizens that rely upon the public record for their proof. Likewise the integrity of the public record is essential for the establishment of ancestral ties that may be of interest to this and future generations. While the public record as now kept by the county auditors is sufficient by itself for the accomplishment of these and many other public and private purposes, the proposed use of the public record for purposes that in their nature and intent are not public, so as to keep the veterans' discharge papers from disclosure to those of ill intent, causes concern among many segments of the population of this state.

In order to voice these concerns effectively and thoroughly, a working group may be convened by the joint committee on veterans' and military affairs to develop a means to preserve the integrity of the public record while protecting those veterans from identity theft." [2002 c 224 s 1.]

Effective date—2002 c 224 s 1: "Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 28, 2002]." [2002 c 224 s 4.]

Findings—Severability—Effective dates—2002 c 205 ss 2, 3, and 4: See notes following RCW 28A.320.125.

Finding—2001 c 98: "The legislature finds that public health and safety is promoted when the public has knowledge that enables them to make informed choices about their health and safety. Therefore, the legislature declares, as a matter of public policy, that the public has a right to information necessary to protect members of the public from harm caused by alleged hazards or threats to the public.

The legislature also recognizes that the public disclosure of those portions of records containing specific and unique vulnerability assessments or specific and unique response plans, either of which is intended to prevent or mitigate criminal terrorist acts as defined in RCW 70.74.285, could have a substantial likelihood of threatening public safety. Therefore, the legislature declares, as a matter of public policy, that such specific and unique information should be protected from unnecessary disclosure." [2001 c 98 s 1.]

Findings—Conflict with federal requirements—Severability—2000 c 134: See notes following RCW 50.13.060.

Effective date—1998 c 69: See note following RCW 28B.95.025.

Effective date—1997 c 274: See note following RCW 41.05.021.

Referendum—Other legislation limited—Legislators' personal intent not indicated—Reimbursements for election—Voters' pamphlet,

election requirements—1997 c 220: See RCW 36.102.800 through 36.102.803.

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Severability—1996 c 305: See note following RCW 28B.85.020.

Findings—Purpose—Severability—Part headings not law—1996 c 253: See notes following RCW 28B.109.010.

Captions not law—Severability—Effective dates—1995 c 267: See notes following RCW 43.70.052.

Effective date—1994 c 233: See note following RCW 70.123.075.

Effective date—1994 c 182: "This act shall take effect July 1, 1994." [1994 c 182 s 2.]

Effective date—1993 c 360: See note following RCW 18.130.085.

Effective date—1993 c 280: See RCW 43.330.902.

Finding—1991 c 301: See note following RCW 10.99.020.

Effective date—1991 c 87: See note following RCW 18.64.350.

Effective dates—1990 2nd ex.s. c 1: See note following RCW 84.52.010.

Severability—1990 2nd ex.s. c 1: See note following RCW 82.14.300.

Effective date—Severability—1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

Severability—1989 c 11: See note following RCW 9A.56.220.

Effective date—1986 c 299: See RCW 28C.10.902.

Effective date—Construction—1973 c 1: See notes following RCW 29B.05.010.

Exemptions from public inspection

basic health plan records: RCW 70.47.150.
bill drafting service of code reviser's office: RCW 1.08.027, 44.68.060.
certificate submitted by individual with physical or mental disability seeking a driver's license: RCW 46.20.041.
commercial fertilizers, sales reports: RCW 15.54.362.
criminal records: Chapter 10.97 RCW.
employer information: RCW 50.13.060.
family and children's ombuds: RCW 43.06A.050.

legislative service center, information: RCW 44.68.060.
medical commission, reports required to be filed with: RCW 18.71.0195.
organized crime investigative information: RCW 43.43.856.
public transportation information: RCW 47.04.240.
salary and fringe benefit survey information: RCW 41.06.160.

RCW 42.56.230 Personal information. 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)(a) Personal information:

(i) For a child enrolled in licensed child care in any files maintained by the department of children, youth, and families;

(ii) For a child enrolled 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;

(iii) For a student enrolled or previously enrolled in a local education agency, in any records pertaining to the student, including correspondence;

(iv) For the family members or guardians of a child who is subject to the exemption under this subsection (2) if the family member or guardian has the same last name as the child or if the family member or guardian resides at the same address as the child and disclosure of the family member's or guardian's information would result in disclosure of the personal information exempted under (a)(i) through (iii) of this subsection; or

(v) For substitute caregivers who are licensed or approved to provide overnight care of children by the department of children, youth, and families.

(b) Emergency contact information under this subsection (2) 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 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;

(7)(a) Any record or information used to prove identity, age, residential address, social security number, sex designation, or other

personal information required to apply for, renew, or make changes to a driver's license, instruction permit, or identicard.

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

(c) Any record pertaining to a vehicle license plate, driver's license, or identicard issued under RCW 46.08.066 that, alone or in combination with any other records, may reveal the identity of an individual, the sex designation of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement, confidential public health work, public assistance fraud, or child support investigative activity. This exemption does not prevent the release of the total number of vehicle license plates, drivers' licenses, or identicards that, under RCW 46.08.066, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse.

(d) Any record pertaining to a vessel registration issued under RCW 88.02.330 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement activity. This exemption does not prevent the release of the total number of vessel registrations that, under RCW 88.02.330, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse.

Upon request by the legislature, the department of licensing shall provide a report to the legislature containing all of the information in (c) of this subsection (7) and this subsection (7)(d) that is subject to public disclosure;

(8) All information related to individual claim resolution settlement agreements submitted to the board of industrial insurance appeals under RCW 51.04.063, other than final orders from the board of industrial insurance appeals. The board of industrial insurance appeals shall provide to the department of labor and industries copies of all final claim resolution settlement agreements;

(9) Voluntarily submitted information contained in a database that is part of or associated with 911 emergency communications systems, or information contained or used in emergency notification systems as provided under RCW 38.52.575 and 38.52.577;

(10) Information relating to a future voter, as provided in RCW 29A.08.725;

(11) All information submitted by a person to the state, either directly or through a state-licensed gambling establishment, or Indian tribes, or tribal enterprises that own gambling operations or facilities with class III gaming compacts, as part of the self-exclusion program established in RCW 9.46.071 or 67.70.040 for people with a gambling problem or gambling disorder;

(12) Names, addresses, or other personal information of individuals who participated in the bump-fire stock buy-back program under former RCW 43.43.920;

(13) All personal and financial information concerning a player that is received or maintained by the state lottery or any contracted lottery vendor except the player's name and city or town of residence. Additional information may be released only in accordance with prior written permission from the player;

(14) Information collected from individuals who have requested or previously requested changes to sex designation for vital records under chapter 70.58A RCW; and

(15) The name and address of an employee provided to the employment security department by an employer for the notice required under RCW 49.45.020. [2026 c 86 s 3; 2026 c 56 s 1. Prior: 2023 c 361 s 14; 2023 c 346 s 1; 2023 c 182 s 2; 2021 c 89 s 1; prior: 2019 c 470 s 8; 2019 c 239 s 2; (2019 c 239 s 1 expired July 1, 2019); 2019 c 213 s 2; 2018 c 109 s 16; 2017 3rd sp.s. c 6 s 222; prior: 2015 c 224 s 2; 2015 c 47 s 1; 2014 c 142 s 1; prior: 2013 c 336 s 3; 2013 c 220 s 1; prior: 2011 c 350 s 2; 2011 c 173 s 1; 2010 c 106 s 102; 2009 c 510 s 8; 2008 c 200 s 5; 2005 c 274 s 403.]

Reviser's note: This section was amended by 2026 c 56 s 1 and by 2026 c 86 s 3, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—2026 c 86: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 17, 2026]." [2026 c 86 s 4.]

Effective date—2026 c 56: See note following RCW 46.20.134.

Findings—Intent—2023 c 182: "The legislature recognizes the important public interest in maintaining an open and transparent government and the critically important role that our public records act plays in ensuring the people of Washington have access to public records maintained by state and local agencies with narrow exemptions. The legislature recognizes that protecting the personal information of our minor students is also of critical importance, especially when disclosure of that personal information could potentially jeopardize the physical or mental health and safety of a student. While current state law also acknowledges the importance of protecting a student's privacy by providing an exemption for personal information in records maintained on a student's behalf, the legislature notes that there have been instances where information has been released from records held by schools that contains personal information about a student or related to a student and the release allows the student to be identified. The legislature intends to provide additional clarity in this narrow situation involving the disclosure of personal information related to a student that may be found in a nonstudent record. This clarity is intended to ensure school districts understand that they have the ability to protect a student's privacy and redact personal information related to a student regardless of the type of record that the information is found in." [2023 c 182 s 1.]

Effective date—2021 c 89: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 16, 2021]." [2021 c 89 s 7.]

Expiration date—Effective date—2019 c 239 ss 1 and 2: "(1) Section 1 of this act expires July 1, 2019.

(2) Section 2 of this act takes effect July 1, 2019." [2019 c 239 s 4.]

Effective date—2019 c 239: "This act is necessary for the immediate preservation of the public peace, health, or safety, or

support of the state government and its existing public institutions, and takes effect immediately [April 30, 2019]." [2019 c 239 s 5.]

Application—2019 c 239: "The exemptions in this act apply to any public records requests made prior to April 30, 2019, for which the disclosure of records has not already occurred." [2019 c 239 s 3.]

Findings—Intent—Effective date—2018 c 109: See notes following RCW 29A.08.170.

Effective date—2017 3rd sp.s. c 6 ss 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Effective date—2013 c 336: See note following RCW 46.08.066.

Effective date—2011 c 350: See note following RCW 46.20.111.

Effective date—2010 c 106: See note following RCW 35.102.145.

Effective date—2009 c 510: See RCW 31.45.901.

Finding—Intent—Liberal construction—2009 c 510: See note following RCW 31.45.010.

RCW 42.56.235 Religious affiliation exemption. All records that relate to or contain personally identifying information about an individual's religious beliefs, practices, or affiliation are exempt from disclosure under this chapter. [2018 c 303 s 7.]

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);

(4) License applications under RCW 9.41.070, except that copies of license applications or information on the applications may be released to law enforcement or corrections agencies or to persons and entities as authorized under RCW 9.41.815;

(5)(a) Information revealing the specific details that describe an alleged or proven child victim of sexual assault or commercial sexual exploitation under age 18, or the identity or contact information of an alleged or proven child victim of sexual assault or commercial sexual exploitation who is under age 18. Identifying information includes the child victim's name, addresses, location, photograph, and in cases in which the child victim is a relative, stepchild, or stepsibling of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Contact information includes phone numbers, email addresses, social media profiles, and user names and passwords.

(b) For purposes of this subsection (5), "commercial sexual exploitation" has the same meaning as in RCW 7.105.010;

(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 email address;

(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;

(10) The felony firearm offense conviction database of felony firearm offenders established in RCW 43.43.822;

(11) The identity of a state employee or officer who has in good faith filed a complaint with an ethics board, as provided in RCW 42.52.410, or who has in good faith reported improper governmental action, as defined in RCW 42.40.020, to the auditor or other public official, as defined in RCW 42.40.020;

(12) The following security threat group information collected and maintained by the department of corrections pursuant to RCW 72.09.745: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates;

(13) The global positioning system data that would indicate the location of the residence of an employee or worker of a criminal justice agency as defined in RCW 10.97.030;

(14) Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to privacy as described in RCW 42.56.050, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.

(a) Disclosure of a body worn camera recording is presumed to be highly offensive to a reasonable person under RCW 42.56.050 to the extent it depicts:

(i)(A) Any areas of a medical facility, counseling, or therapeutic program office where:

(I) A patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment; or

(II) Health care information is shared with patients, their families, or among the care team; or

(B) Information that meets the definition of protected health information for purposes of the health insurance portability and accountability act of 1996 or health care information for purposes of chapter 70.02 RCW;

(ii) The interior of a place of residence where a person has a reasonable expectation of privacy;

(iii) An intimate image;

(iv) A minor;

(v) The body of a deceased person;

(vi) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern; or

(vii) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.

(b) The presumptions set out in (a) of this subsection may be rebutted by specific evidence in individual cases.

(c) In a court action seeking the right to inspect or copy a body worn camera recording, a person who prevails against a law enforcement or corrections agency that withholds or discloses all or part of a body worn camera recording pursuant to (a) of this subsection is not entitled to fees, costs, or awards pursuant to RCW 42.56.550 unless it is shown that the law enforcement or corrections agency acted in bad faith or with gross negligence.

(d) A request for body worn camera recordings must:

(i) Specifically identify a name of a person or persons involved in the incident;

(ii) Provide the incident or case number;

(iii) Provide the date, time, and location of the incident or incidents; or

(iv) Identify a law enforcement or corrections officer involved in the incident or incidents.

(e)(i) A person directly involved in an incident recorded by the requested body worn camera recording, an attorney representing a person directly involved in an incident recorded by the requested body worn camera recording, a person or his or her attorney who requests a body worn camera recording relevant to a criminal case involving that

person, or the executive director from either the Washington state commission on African American affairs, Asian Pacific American affairs, or Hispanic affairs, has the right to obtain the body worn camera recording, subject to any exemption under this chapter or any applicable law. In addition, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a United States department of justice settlement agreement, has the right to obtain the body worn camera recording if relevant to the cause of action, subject to any exemption under this chapter or any applicable law. The attorney must explain the relevancy of the requested body worn camera recording to the cause of action and specify that he or she is seeking relief from redaction costs under this subsection (14)(e).

(ii) A law enforcement or corrections agency responding to requests under this subsection (14)(e) may not require the requesting individual to pay costs of any redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of a body worn camera recording.

(iii) A law enforcement or corrections agency may require any person requesting a body worn camera recording pursuant to this subsection (14)(e) to identify himself or herself to ensure he or she is a person entitled to obtain the body worn camera recording under this subsection (14)(e).

(f)(i) A law enforcement or corrections agency responding to a request to disclose body worn camera recordings may require any requester not listed in (e) of this subsection to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in this chapter or any applicable law.

(ii) An agency that charges redaction costs under this subsection (14)(f) must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

(iii) In any case where an agency charges a requestor for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law.

(g) For purposes of this subsection (14):

(i) "Body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer while in the course of his or her official duties; and

(ii) "Intimate image" means an individual or individuals engaged in sexual activity, including sexual intercourse as defined in RCW 9A.44.010 and masturbation, or an individual's intimate body parts, whether nude or visible through less than opaque clothing, including the genitals, pubic area, anus, or postpubescent female nipple.

(h) Nothing in this subsection shall be construed to restrict access to body worn camera recordings as otherwise permitted by law for official or recognized civilian and accountability bodies or pursuant to any court order.

(i) Nothing in this section is intended to modify the obligations of prosecuting attorneys and law enforcement under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v. Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and the relevant Washington court criminal rules and statutes.

(j) A law enforcement or corrections agency must retain body worn camera recordings for at least 60 days and thereafter may destroy the records in accordance with the applicable records retention schedule;

(15) Any records and information contained within the statewide sexual assault kit tracking system established in RCW 43.43.545;

(16)(a) Survivor communications with, and survivor records maintained by, campus-affiliated advocates.

(b) Nothing in this subsection shall be construed to restrict access to records maintained by a campus-affiliated advocate in the event that:

(i) The survivor consents to inspection or copying;

(ii) There is a clear, imminent risk of serious physical injury or death of the survivor or another person;

(iii) Inspection or copying is required by federal law; or

(iv) A court of competent jurisdiction mandates that the record be available for inspection or copying.

(c) "Campus-affiliated advocate" and "survivor" have the definitions in RCW 28B.112.030;

(17) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs and information and records prepared, owned, used, or retained by the Washington state patrol pursuant to chapter 261, Laws of 2017;

(18) Any and all audio or video recordings of child forensic interviews as defined in chapter 26.44 RCW. Such recordings are confidential and may only be disclosed pursuant to a court order entered upon a showing of good cause and with advance notice to the child's parent, guardian, or legal custodian. However, if the child is an emancipated minor or has attained the age of majority as defined in RCW 26.28.010, advance notice must be to the child. Failure to disclose an audio or video recording of a child forensic interview as defined in chapter 26.44 RCW is not grounds for penalties or other sanctions available under this chapter;

(19) Information exempt from public disclosure and copying under RCW 43.10.305(2)(f); and

(20) Information exempt from public inspection and copying under RCW 43.102.140. [2026 c 174 s 6. Prior: 2024 c 299 s 2; 2024 c 298 s 21; 2022 c 268 s 31; 2019 c 300 s 1; prior: 2018 c 285 s 1; 2018 c 171 s 7; prior: 2017 c 261 s 7; 2017 c 72 s 3; prior: 2016 c 173 s 8; 2016 c 163 s 2; prior: 2015 c 224 s 3; 2015 c 91 s 1; prior: 2013 c 315 s 2; 2013 c 190 s 7; 2013 c 183 s 1; 2012 c 88 s 1; prior: 2010 c 266 s 2; 2010 c 182 s 5; 2008 c 276 s 202; 2005 c 274 s 404.]

Effective date—Private right of action—2024 c 299: See notes following RCW 43.10.305.

Effective date—2024 c 298: See note following RCW 9A.40.100.

Effective dates—2022 c 268: See note following RCW 7.105.010.

Retroactive application—2018 c 171 s 7: "Section 7 of this act applies retroactively to all outstanding public records requests submitted prior to March 22, 2018." [2018 c 171 s 8.]

Effective date—2018 c 171: See note following RCW 26.44.188.

Finding—Intent—2017 c 72: See note following RCW 28B.112.030.

Finding—Intent—2016 c 173: See note following RCW 43.43.545.

Finding—Intent—2016 c 163: "The legislature finds that technological developments present opportunities for additional truth-finding, transparency, and accountability in interactions between law enforcement or corrections officers and the public. The legislature intends to promote transparency and accountability by permitting access to video and/or sound recordings of interactions with law enforcement or corrections officers, while preserving the public's reasonable expectation that the recordings of these interactions will not be publicly disclosed to enable voyeurism or exploitation." [2016 c 163 s 1.]

Finding—2013 c 190: See note following RCW 42.52.410.

Severability—Part headings, subheadings not law—2008 c 276: See notes following RCW 36.28A.200.

Restrictions on dissemination of child forensic interview recordings: RCW 26.44.187 and 26.44.188.

RCW 42.56.250 Employment and licensing. *(Effective until June 1, 2028.)* (1) The following employment and licensing information is exempt from public inspection and copying under this chapter:

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

(b) All applications for public employment other than for vacancies in elective office, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;

(c) Professional growth plans (PGPs) in educator license renewals submitted through the eCert system in the office of the superintendent of public instruction;

(d) The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, driver's license numbers, identicard numbers, payroll deductions including the amount and identification of the deduction, 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 email addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency. For purposes of this subsection

(1)(d), "employees" includes independent provider home care workers as defined in RCW 74.39A.240;

(e) Information that identifies a person who, while an agency employee: (i) 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 (ii) requests his or her identity or any identifying information not be disclosed;

(f)(i) Except as provided in (f)(ii) of this subsection, investigative records compiled by an employing agency in connection with an investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws or an employing agency's internal policies prohibiting discrimination or harassment in employment. Records are exempt in their entirety while the investigation is active and ongoing. After the agency has notified the complaining employee of the outcome of the investigation, the records may be disclosed only if the names, images, employee agency job titles, email addresses, and phone numbers of complainants, other accusers, and witnesses are redacted and their voices on any audio recording taken during the course of the investigation have been altered while retaining inflection and tone, except to the extent that such a complainant, other accuser, or witness has consented to the disclosure of such information. The employing agency must inform a complainant, other accuser, or witness that his or her name, image, agency job title, email address, and phone number will be redacted from the investigation records and their voice on any audio recording taken during the course of the investigation will be altered in accordance with this subsection unless he or she consents to disclosure;

(ii) After the investigation is complete and the complainant has been notified of the outcome of the investigation, if an elected government official is a complainant, the name and title of such elected government official shall not be redacted from the investigatory records;

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

(h) Photographs and month and year of birth in the personnel files of employees or volunteers of a public agency, including 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 (1)(h), 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;

(i)(i) Any employee's name or other personally identifying information, including but not limited to birthdate, job title, addresses of work stations and locations, work email address, work phone number, bargaining unit, or other similar information, maintained by an agency in personnel-related records or systems, or responsive to a request for a list of individuals subject to the commercial purpose prohibition under RCW 42.56.070(8), if the employee:

(A) Has provided a sworn statement, signed under penalty of perjury and verified by the director of the employing agency or director's designee, that the employee or a dependent of the employee is a survivor of domestic violence as defined in RCW 10.99.020 or 7.105.010, sexual assault as defined in RCW 70.125.030 or sexual abuse

as defined in RCW 7.105.010, stalking as described in RCW 9A.46.110 or defined in RCW 7.105.010, or harassment as described in RCW 9A.46.020 or defined in RCW 7.105.010, and notifying the agency as to why the employee has a reasonable basis to believe that the risk of domestic violence, sexual assault, sexual abuse, stalking, or harassment continues to exist. A sworn statement under this subsection expires after two years, but may be subsequently renewed by providing a new sworn statement to the employee's employing agency; or

(B) Provides proof to the employing agency of the employee's participation or the participation of a dependent in the address confidentiality program under chapter 40.24 RCW.

(ii) Any documentation maintained by an agency to administer this subsection (1)(i) is exempt from disclosure under this chapter and is confidential and may not be disclosed without consent of the employee who submitted the documentation. Agencies may provide information to their employees on how to submit a request to anonymize their work email address.

(iii) For purposes of this subsection (1)(i), "verified" means that the director of the employing agency or director's designee confirmed that the sworn statement identifies the alleged perpetrator or perpetrators by name and, if possible, image or likeness, or that the director or designee obtained from the employee a police report, protection order petition, or other documentation of allegations related to the domestic violence, sexual assault or abuse, stalking, or harassment.

(iv) The exemption in this subsection (1)(i) does not apply to public records requests from the news media as defined in RCW 5.68.010(5);

(j) The global positioning system data that would indicate the location of the residence of a public employee or volunteer using the global positioning system recording device;

(k) Information relating to a future voter, as provided in RCW 29A.08.725;

(l) Voluntarily submitted information collected and maintained by a state agency or higher education institution that identifies an individual state employee's personal demographic details. "Personal demographic details" means race or ethnicity, sexual orientation as defined by RCW 49.60.040, immigration status, national origin, or status as a person with a disability. This exemption does not prevent the release of state employee demographic information in a deidentified or aggregate format; and

(m) Benefit enrollment information collected and maintained by the health care authority through its authority as director of the public employees' benefits board and school employees' benefits board programs as authorized by chapter 41.05 RCW. This subsection (1)(m) does not prevent the release of benefit enrollment information in a deidentified or aggregate format. "Benefit enrollment information" means:

(i) Information listed in (d) of this subsection;

(ii) Personal demographic details as defined in (l) of this subsection;

(iii) Benefit elections;

(iv) Date of birth;

(v) Documents provided for verification of dependency, such as tax returns or marriage or birth certificates;

(vi) Marital status;

(vii) Primary language spoken;

(viii) Tobacco use status; and

(ix) Tribal affiliation.

(2) Upon receipt of a request for information located exclusively in an employee's personnel, payroll, supervisor, or training file, the agency must provide notice to the employee, to any union representing the employee, and to the requestor. The notice must state:

(a) The date of the request;

(b) The nature of the requested record relating to the employee;

(c) That the agency will release any information in the record which is not exempt from the disclosure requirements of this chapter at least ten days from the date the notice is made; and

(d) That the employee may seek to enjoin release of the records under RCW 42.56.540. [2025 c 283 s 1. Prior: 2023 c 458 s 1; 2023 c 361 s 15; 2023 c 45 s 1; 2020 c 106 s 1; prior: 2019 c 349 s 2; 2019 c 229 s 1; 2018 c 109 s 17; prior: 2017 c 38 s 1; 2017 c 16 s 1; 2014 c 106 s 1; prior: 2010 c 257 s 1; 2010 c 128 s 9; 2006 c 209 s 6; 2005 c 274 s 405.]

Effective date—2023 c 458: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 15, 2023]." [2023 c 458 s 3.]

Findings—2019 c 349: "The legislature finds that workplace harassment remains a persistent problem and there is an urgent need to address barriers that prevent people from reporting harassment. The United States equal employment opportunity commission select task force on the study of harassment in the workplace released a report in 2016 finding that ninety percent of individuals who experience harassment never take formal action, and noting that seventy-five percent of employees who spoke out against workplace mistreatment faced some sort of retaliation. The legislature finds that it is in the public interest for state employees to feel safe to report incidents of harassment when it occurs and to protect these employees from an increased risk of retaliation. The legislature finds that the release of the identities of employees who report or participate in harassment investigations increases the risk of retaliation, invades the privacy of a vulnerable population, and significantly reduces reporting of harassment. The legislature finds that if state government can make it easier for victims and witnesses of harassment to come forward and report harassment, harassment issues can be dealt with before they worsen or spread." [2019 c 349 s 1.]

Findings—Intent—Effective date—2018 c 109: See notes following RCW 29A.08.170.

RCW 42.56.250 Employment and licensing. ***(Effective June 1, 2028.)*** (1) The following employment and licensing information is exempt from public inspection and copying under this chapter:

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

(b) All applications for public employment other than for vacancies in elective office, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;

(c) Professional growth plans (PGPs) in educator license renewals submitted through the eCert system in the office of the superintendent of public instruction;

(d) The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, driver's license numbers, identicard numbers, payroll deductions including the amount and identification of the deduction, 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 email addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency. For purposes of this subsection (1)(d), "employees" includes independent provider home care workers as defined in RCW 74.39A.240;

(e) Information that identifies a person who, while an agency employee: (i) 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 (ii) requests his or her identity or any identifying information not be disclosed;

(f)(i) Except as provided in (f)(ii) of this subsection, investigative records compiled by an employing agency in connection with an investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws or an employing agency's internal policies prohibiting discrimination or harassment in employment. Records are exempt in their entirety while the investigation is active and ongoing. After the agency has notified the complaining employee of the outcome of the investigation, the records may be disclosed only if the names, images, employee agency job titles, email addresses, and phone numbers of complainants, other accusers, and witnesses are redacted and their voices on any audio recording taken during the course of the investigation have been altered while retaining inflection and tone, except to the extent that such a complainant, other accuser, or witness has consented to the disclosure of such information. The employing agency must inform a complainant, other accuser, or witness that his or her name, image, agency job title, email address, and phone number will be redacted from the investigation records and their voice on any audio recording taken during the course of the investigation will be altered in accordance with this subsection unless he or she consents to disclosure;

(ii) After the investigation is complete and the complainant has been notified of the outcome of the investigation, if an elected government official is a complainant, the name and title of such elected government official shall not be redacted from the investigatory records;

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

(h) Photographs and month and year of birth in the personnel files of employees or volunteers of a public agency, including 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 (1)(h), 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;

(i)(i) Any employee's name or other personally identifying information, including but not limited to birthdate, job title, addresses of work stations and locations, work email address, work phone number, bargaining unit, or other similar information, maintained by an agency in personnel-related records or systems, or responsive to a request for a list of individuals subject to the commercial purpose prohibition under RCW 42.56.070(8), if the employee:

(A) Has provided a sworn statement, signed under penalty of perjury and verified by the director of the employing agency or director's designee, that the employee or a dependent of the employee is a survivor of domestic violence as defined in RCW 10.99.020 or 7.105.010, sexual assault as defined in RCW 70.125.030 or sexual abuse as defined in RCW 7.105.010, stalking as described in RCW 9A.46.110 or defined in RCW 7.105.010, or harassment as described in RCW 9A.46.020 or defined in RCW 7.105.010, and notifying the agency as to why the employee has a reasonable basis to believe that the risk of domestic violence, sexual assault, sexual abuse, stalking, or harassment continues to exist. A sworn statement under this subsection expires after two years, but may be subsequently renewed by providing a new sworn statement to the employee's employing agency; or

(B) Proof [Provides proof] to the employing agency of the employee's participation or the participation of a dependent in the address confidentiality program under chapter 40.24 RCW.

(ii) Any documentation maintained by an agency to administer this subsection (1)(i) is exempt from disclosure under this chapter and is confidential and may not be disclosed without consent of the employee who submitted the documentation. Agencies may provide information to their employees on how to submit a request to anonymize their work email address.

(iii) For purposes of this subsection (1)(i), "verified" means that the director of the employing agency or director's designee confirmed that the sworn statement identifies the alleged perpetrator or perpetrators by name and, if possible, image or likeness, or that the director or designee obtained from the employee a police report, protection order petition, or other documentation of allegations related to the domestic violence, sexual assault or abuse, stalking, or harassment.

(iv) The exemption in this subsection (1)(i) does not apply to public records requests from the news media as defined in RCW 5.68.010(5);

(j) The global positioning system data that would indicate the location of the residence of a public employee or volunteer using the global positioning system recording device;

(k) Information relating to a future voter, as provided in RCW 29A.08.725;

(l) Voluntarily submitted information collected and maintained by a state agency or higher education institution that identifies an individual state employee's personal demographic details. "Personal demographic details" means race or ethnicity, sexual orientation as defined by RCW 49.60.040, immigration status, national origin, or status as a person with a disability. This exemption does not prevent the release of state employee demographic information in a deidentified or aggregate format;

(m) Benefit enrollment information collected and maintained by the health care authority through its authority as director of the public employees' benefits board and school employees' benefits board programs as authorized by chapter 41.05 RCW. This subsection (1)(m) does not prevent the release of benefit enrollment information in a deidentified or aggregate format. "Benefit enrollment information" means:

(i) Information listed in (d) of this subsection;

(ii) Personal demographic details as defined in (l) of this subsection;

(iii) Benefit elections;

(iv) Date of birth;

(v) Documents provided for verification of dependency, such as tax returns or marriage or birth certificates;

(vi) Marital status;

(vii) Primary language spoken;

(viii) Tobacco use status; and

(ix) Tribal affiliation; and

(n) Information contributed by the department of licensing to the data system or shared with the cosmetology licensure compact commission, or member states described in the cosmetology licensure compact pursuant to RCW 18.16.400.

(2) Upon receipt of a request for information located exclusively in an employee's personnel, payroll, supervisor, or training file, the agency must provide notice to the employee, to any union representing the employee, and to the requestor. The notice must state:

(a) The date of the request;

(b) The nature of the requested record relating to the employee;

(c) That the agency will release any information in the record which is not exempt from the disclosure requirements of this chapter at least ten days from the date the notice is made; and

(d) That the employee may seek to enjoin release of the records under RCW 42.56.540. [2025 c 283 s 1; 2025 c 238 s 5. Prior: 2023 c 458 s 1; 2023 c 361 s 15; 2023 c 45 s 1; 2020 c 106 s 1; prior: 2019 c 349 s 2; 2019 c 229 s 1; 2018 c 109 s 17; prior: 2017 c 38 s 1; 2017 c 16 s 1; 2014 c 106 s 1; prior: 2010 c 257 s 1; 2010 c 128 s 9; 2006 c 209 s 6; 2005 c 274 s 405.]

Reviser's note: This section was amended by 2025 c 238 s 5 and by 2025 c 283 s 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—2025 c 238: See note following RCW 18.16.400.

Effective date—2023 c 458: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 15, 2023]." [2023 c 458 s 3.]

Findings—2019 c 349: "The legislature finds that workplace harassment remains a persistent problem and there is an urgent need to address barriers that prevent people from reporting harassment. The United States equal employment opportunity commission select task force on the study of harassment in the workplace released a report in 2016 finding that ninety percent of individuals who experience harassment never take formal action, and noting that seventy-five

percent of employees who spoke out against workplace mistreatment faced some sort of retaliation. The legislature finds that it is in the public interest for state employees to feel safe to report incidents of harassment when it occurs and to protect these employees from an increased risk of retaliation. The legislature finds that the release of the identities of employees who report or participate in harassment investigations increases the risk of retaliation, invades the privacy of a vulnerable population, and significantly reduces reporting of harassment. The legislature finds that if state government can make it easier for victims and witnesses of harassment to come forward and report harassment, harassment issues can be dealt with before they worsen or spread." [2019 c 349 s 1.]

Findings—Intent—Effective date—2018 c 109: See notes following RCW 29A.08.170.

RCW 42.56.260 Real estate transactions. (1) Subject to the time limitations in subsection (2) of this section, the following documents relating to an agency's real estate transactions are exempt from public inspection and copying under this chapter:

(a) 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;

(b) Documents prepared for the purpose of considering the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price, including records prepared for executive session pursuant to RCW 42.30.110(1)(b); and

(c) Documents prepared for the purpose of considering the minimum price of real estate that will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price, including records prepared for executive session pursuant to RCW 42.30.110(1)(c).

(2) The exemptions in this section do not apply when disclosure is mandated by another statute or after the project or prospective project is abandoned or all properties that are part of the project have been purchased, sold, or leased. No appraisal may be withheld for more than three years. [2015 c 150 s 1; 2005 c 274 s 406.]

RCW 42.56.270 Financial, commercial, and proprietary information. The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) 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; (b) highway construction or improvement as required by RCW 47.28.070; or (c) alternative public works contracting procedures as required by RCW 39.10.200 through 39.10.905;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, 43.168, and 43.181 RCW and RCW 43.155.160, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under *chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), cannabis producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Proprietary financial and security information submitted to or obtained by the gambling commission from and on behalf of license applicants, licensees, gaming facilities, or a tribe pursuant to an approved tribal/state compact. Proprietary financial and security information includes, but is not limited to, the following:

(i) Financial statements and transactions including but not limited to independent auditors' reports and financial statements with any supporting documents, bank account records, player tracking records, bond issuances, loan agreements, purchase agreements, and stock buyouts. However, quarterly license reports are not exempt;

(ii) Information that describes the internal operational system or internal procedures of the gaming facility designed to promote efficiency, safeguard assets, and avoid fraud and error, including but not limited to records pertaining to security camera technical specifications, operation, and placement; cash out procedures and locations; cage security information; building access controls; and personally identifiable information control procedures;

(iii) Gaming facility security information, including but not limited to descriptions of facility layout and schematics, firewall configurations, network topologies, source code, software files, cryptographic hashes of software files, risk and security assessment reports, disaster recovery plans, incident response plans, and any other sensitive information that may negatively impact the security of the facility if released; and

(iv) Gaming equipment information, including but not limited to related hardware, software, and security information, such as firewall configurations, field testing data and results from testing, network topologies or diagrams, source code, software files, cryptographic hashes of software files, schematics, user credentials, system components, and any other sensitive information about the equipment that may compromise the security and integrity of the equipment if released;

(c) Valuable formulae or financial or proprietary commercial information records received during a consultative visit or while providing consultative services to a licensed cannabis business in accordance with RCW 69.50.561;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services or the health care authority for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8);

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business; and

(iii) Financial or proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.31.625 (3)(b) and (4);

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of 60 days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70A.500 RCW to implement chapter 70A.500 RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under RCW 43.330.502, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does

not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW 70A.500.190(4);

(22) Financial information supplied to the department of financial institutions, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell cannabis as allowed under chapter 69.50 RCW;

(25) Cannabis transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of cannabis product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for cannabis research licenses under RCW 69.50.372, or in reports submitted by cannabis research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372;

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed cannabis business under RCW 69.50.395, which may be submitted to or obtained by the state liquor and cannabis board;

(29) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the Andy Hill cancer research endowment program in applications for, or delivery of, grants under chapter 43.348 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(30) Proprietary information filed with the department of health under chapter 69.48 RCW;

(31) Records filed with the department of ecology under chapter 70A.515 RCW that a court has determined are confidential valuable commercial information under RCW 70A.515.130;

(32) Unaggregated financial, proprietary, or commercial information submitted to or obtained by the liquor and cannabis board in applications for licenses under RCW 66.24.140 or 66.24.145, or in any reports or remittances submitted by a person licensed under RCW 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis board under chapter 66.08 RCW;

(33) Formulas and data public risk pools used to calculate rates for pool member contributions or assessments, and actuarial analyses and reports prepared by or for public risk pools;

(34) Unaggregated or individual information submitted to the department of revenue under RCW 82.17.020 pertaining to the sales price of zero-emission vehicle credits in transactions between manufacturers; and

(35) Information that is confidential pursuant to RCW 43.385.080(1), relating to the tourism assessment program. [2026 c 229 s 18. Prior: 2025 c 419 s 9; 2025 c 176 s 1; 2025 c 81 s 1; 2023 c 340 s 11; prior: 2022 c 201 s 2; 2022 c 16 s 28; 2021 c 308 s 4; 2020 c 238 s 11; prior: 2019 c 394 s 10; 2019 c 344 s 14; 2019 c 212 s 12; prior: 2018 c 201 s 8008; 2018 c 196 s 21; 2018 c 4 s 9; 2017 c 317 s 17; prior: 2016 sp.s. c 9 s 3; 2016 sp.s. c 8 s 1; 2016 c 178 s 1; 2015 c 274 s 24; prior: 2014 c 192 s 6; 2014 c 174 s 5; 2014 c 144 s 6; 2013 c 305 s 14; 2011 1st sp.s. c 14 s 15; 2009 c 394 s 3; 2008 c 306 s 1; prior: 2007 c 470 s 2; (2007 c 470 s 1 expired June 30, 2008); 2007 c 251 s 13; (2007 c 251 s 12 expired June 30, 2008); 2007

c 197 s 4; (2007 c 197 s 3 expired June 30, 2008); prior: 2006 c 369 s 2; 2006 c 341 s 6; 2006 c 338 s 5; 2006 c 302 s 12; 2006 c 209 s 7; 2006 c 183 s 37; 2006 c 171 s 8; 2005 c 274 s 407.]

***Reviser's note:** Chapter 70.95H RCW was repealed in its entirety by 2017 3rd sp.s. c 25 s 9.

Findings—Intent—Tax preference performance statement exemption—Automatic expiration date exemption—Application—Effective date—2025 c 419: See notes following RCW 82.17.030.

Short title—Conflict with federal requirements—2023 c 340: See notes following RCW 43.181.040.

Intent—Finding—2022 c 16: See note following RCW 69.50.101.

Findings—Intent—2021 c 308: See note following RCW 43.31.625.

Findings—2019 c 394: See note following RCW 69.50.563.

Findings—Intent—Effective date—2018 c 201: See notes following RCW 41.05.018.

Findings—Application—2017 c 317: See notes following RCW 69.50.325.

Effective date—2015 c 274: See note following RCW 90.56.005.

Intent—2014 c 174: See note following RCW 28B.50.902.

Short title—Findings—Intent—2014 c 144: See notes following RCW 21.20.880.

Effective date—2013 c 305: See note following RCW 70A.500.020.

Intent—2009 c 394: See note following RCW 28B.20.150.

Effective date—2008 c 306 s 1: "Section 1 of this act takes effect June 30, 2008." [2008 c 306 s 2.]

Effective date—2007 c 470 s 2: "Section 2 of this act takes effect June 30, 2008." [2007 c 470 s 4.]

Expiration date—2007 c 470 s 1: "Section 1 of this act expires June 30, 2008." [2007 c 470 s 3.]

Effective date—2007 c 251 s 13: "Section 13 of this act takes effect June 30, 2008." [2007 c 251 s 18.]

Expiration date—2007 c 251 s 12: "Section 12 of this act expires June 30, 2008." [2007 c 251 s 17.]

Captions not law—Severability—2007 c 251: See notes following RCW 35.104.010.

Effective date—2007 c 197 s 4: "Section 4 of this act takes effect June 30, 2008." [2007 c 197 s 11.]

Expiration date—2007 c 197 s 3: "Section 3 of this act expires June 30, 2008." [2007 c 197 s 10.]

Effective date—2006 c 369 s 2: "Section 2 of this act takes effect July 1, 2006." [2006 c 369 s 3.]

Effective date—2006 c 341 s 6: "Section 6 of this act takes effect July 1, 2006." [2006 c 341 s 7.]

Findings—Intent—2006 c 338: See note following RCW 19.112.110.

Effective date—2006 c 338: See RCW 19.112.903.

Effective date—2006 c 302 ss 10 and 12: See note following RCW 66.28.180.

Construction—Severability—Effective date—2006 c 183: See RCW 70A.500.900 and 70A.500.901.

Effective date—2006 c 171 ss 8 and 10: "Sections 8 and 10 of this act take effect July 1, 2006." [2006 c 171 s 13.]

RCW 42.56.280 Preliminary drafts, notes, recommendations, intra-agency memorandums. Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt under this chapter, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action. [2005 c 274 s 408.]

RCW 42.56.290 Agency party to controversy. Records that 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 are exempt from disclosure under this chapter. [2005 c 274 s 409.]

RCW 42.56.300 Archaeological sites. (1) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites are exempt from disclosure under this chapter.

(2) Records, maps, and other information, acquired during watershed analysis pursuant to the forests and fish report under RCW 76.09.370, that identify the location of archaeological sites, historic sites, artifacts, or the sites of traditional religious, ceremonial, or social uses and activities of affected Indian tribes, are exempt from disclosure under this chapter in order to prevent the looting or depredation of such sites.

(3) Any site form, report, specific fields and tables relating to site form data within a database, or geographic information systems spatial layer obtained by any state agency or local government, or shared between any state agency, local government, or tribal

government, is exempt from disclosure under this chapter, if the material is related to:

(a) An archaeological site as defined in RCW 27.53.030;

(b) Historical [Historic] archaeological resources as defined in RCW 27.53.030; or

(c) Traditional cultural places.

(4) The local government or agency shall respond to requests from the owner of the real property for public records exempt under subsection (1), (2), or (3) of this section by providing information to the requestor on how to contact the department of archaeology and historic preservation to obtain available locality information on archaeological and cultural resources. [2014 c 165 s 1; 2006 c 86 s 1; 2005 c 274 s 410.]

Effective date—2006 c 86: "This act takes effect July 1, 2006." [2006 c 86 s 2.]

RCW 42.56.310 Library records. Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, that discloses or could be used to disclose the identity of a library user is exempt from disclosure under this chapter. [2005 c 274 s 411.]

RCW 42.56.315 Certain student information. Information received by a school district superintendent, a designee of the superintendent, or a principal pursuant to RCW 28A.225.330, 9A.44.138, 13.04.155, 13.40.215, or 72.09.730 is exempt from disclosure under this chapter. [2020 c 167 s 10.]

RCW 42.56.320 Educational information. The following educational information is exempt from disclosure under this chapter:

(1) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW;

(2) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units;

(3) Individually identifiable information received by the workforce training and education coordinating board for research or evaluation purposes;

(4) Except for public records as defined in RCW 40.14.010, any records or documents obtained by a state college, university, library, or archive through or concerning any gift, grant, conveyance, bequest, or devise, the terms of which restrict or regulate public access to those records or documents; and

(5) The annual declaration of intent filed by parents under RCW 28A.200.010 for a child to receive home-based instruction. [2009 c 191 s 1; 2005 c 274 s 412.]

RCW 42.56.325 Statewide electronic repository for school meals. Household income information received by the office of the superintendent of public instruction, school district employees, or

designees of either in accordance with the electronic repository established under RCW 28A.235.285 is exempt from disclosure under this chapter. [2022 c 111 s 2.]

RCW 42.56.330 Public utilities and transportation. 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 or 81.77.210 that a court has determined are confidential under RCW 80.04.095 or 81.77.210;

(2) The addresses, telephone numbers, electronic contact information, and customer-specific utility usage and billing information in increments less than a billing cycle 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. Participants' names, general locations, and point of contact 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. 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;

(8) The personally identifying information of persons who acquire and use a driver's license or identicard 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; and

(9) Personally identifying information included in safety complaints submitted under chapter 81.61 RCW. [2017 c 333 s 6; 2015 c 224 s 4. Prior: 2014 c 170 s 2; 2014 c 33 s 1; 2012 c 68 s 4; 2010 c 128 s 8; 2008 c 200 s 6; 2007 c 197 s 5; 2006 c 209 s 8; 2005 c 274 s 413.]

Effective date—2017 c 333: See note following RCW 81.61.010.

RCW 42.56.335 Public utility districts and municipally owned electrical utilities—Restrictions on access by law enforcement authorities. A law enforcement authority may not request inspection or copying of records of any person who belongs to a public utility district or a municipally owned electrical utility unless the authority provides the public utility district or municipally owned electrical utility with a written statement in which the authority states that it suspects that the particular person to whom the records pertain has committed a crime and the authority has a reasonable belief that the records could determine or help determine whether the suspicion might be true. Information obtained in violation of this section is inadmissible in any criminal proceeding. [2007 c 197 s 6.]

RCW 42.56.350 Health professionals. (1) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health is exempt from disclosure under this chapter. The exemption in this section does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations.

(2) The current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department are exempt from disclosure under this chapter, if the provider requests that this information be withheld from public inspection and copying, and provides to the department of health an accurate alternate or business address and business telephone number. The current residential address

and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department of health shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under *RCW 42.56.070(9). [2005 c 274 s 415.]

***Reviser's note:** RCW 42.56.070 was amended by 2017 c 304 s 1, changing subsection (9) to subsection (8).

RCW 42.56.355 Interstate medical licensure compact. (1) Information distributed to any Washington health profession board or commission by an interstate health professions licensure compact or member boards as described in RCW 18.71B.080(6) of the interstate medical licensure compact is exempt from disclosure under this chapter. This exemption does not prohibit the requestor from requesting these documents from the state of origin.

(2) This exemption does not pertain to any records created by Washington health profession boards or commissions from the documents described in subsection (1) of this section. Records created by Washington health profession boards or commissions from the documents described in subsection (1) of this section may be exempt under other sections of this chapter. [2017 c 195 s 25.]

RCW 42.56.357 Interstate physician assistant licensure compact. (1) Information in documents distributed to the Washington medical commission by the interstate physician assistant licensure compact as described in RCW 18.71C.070(2), including identifying information, licensure data, adverse actions against a license or compact privilege, or license application denials and the reason(s) for such denial, is exempt from disclosure under this chapter. Such information may be requested from the state of origin.

(2) The exemption in subsection (1) of this section does not pertain to any records created by the Washington medical commission from the documents described in subsection (1) of this section or any other materials created by the Washington medical commission. [2024 c 53 s 15.]

RCW 42.56.360 Health care. (1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the pharmacy quality assurance commission as provided in RCW 69.45.090;

(b) Information obtained by the pharmacy quality assurance commission or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510, 70.230.080, or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, or by a hospital, as defined in RCW 43.70.056, for reporting of health care-associated infections under RCW 43.70.056, a notification of an incident under RCW 70.56.040(5), and reports regarding adverse events under RCW 70.56.020(2)(b),

regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1);

(g) Information obtained by the department of health under chapter 70.225 RCW;

(h) Information collected by the department of health under chapter 70.245 RCW except as provided in RCW 70.245.150;

(i) Cardiac and stroke system performance data submitted to national, state, or local data collection systems under RCW 70.168.150(2)(b);

(j) All documents, including completed forms, received pursuant to a wellness program under RCW 41.04.362, but not statistical reports that do not identify an individual;

(k) Data and information exempt from disclosure under RCW 43.371.040;

(l) Medical information contained in files and records of members of retirement plans administered by the department of retirement systems or the law enforcement officers' and firefighters' plan 2 retirement board, as provided to the department of retirement systems under RCW 41.04.830; and

(m) Data submitted to the data integration platform under RCW 71.24.908.

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

(3)(a) Documents related to infant mortality reviews conducted pursuant to RCW 70.05.170 are exempt from disclosure as provided for in RCW 70.05.170(3).

(b)(i) If an agency provides copies of public records to another agency that are exempt from public disclosure under this subsection (3), those records remain exempt to the same extent the records were exempt in the possession of the originating entity.

(ii) For notice purposes only, agencies providing exempt records under this subsection (3) to other agencies may mark any exempt records as "exempt" so that the receiving agency is aware of the exemption, however whether or not a record is marked exempt does not affect whether the record is actually exempt from disclosure.

(4) Information and documents related to maternal mortality reviews conducted pursuant to RCW 70.54.450 are confidential and exempt from public inspection and copying.

(5) Patient health care information contained in reports submitted under RCW 71.24.847(2) are confidential and exempt from public inspection.

(6) Information and documents related to traffic fatality reviews conducted under RCW 43.59.040 (1)(f), (2)(a), and (5) are confidential and exempt from public inspection and copying. [2026 c 152 s 1; 2024 c 366 s 19; 2023 sp.s. c 1 s 23; 2020 c 323 s 2; 2016 c 238 s 2; 2014 c 223 s 17; 2013 c 19 s 47. Prior: 2010 c 128 s 3; 2010 c 52 s 6; prior: 2009 c 1 s 24 (Initiative Measure No. 1000, approved November 4, 2008); (2009 c 1 s 23 (Initiative Measure No. 1000, approved November 4, 2008) expired July 1, 2009); 2008 c 136 s 5; (2008 c 136 s 4 expired July 1, 2009); prior: 2007 c 273 s 25; 2007 c 261 s 4; 2007 c 259 s 49; prior: 2006 c 209 s 9; 2006 c 8 s 112; 2005 c 274 s 416.]

Findings—Intent—2024 c 366: See note following RCW 71.24.847.

Finding—2014 c 223: See note following RCW 41.05.690.

Findings—Intent—2010 c 52: See note following RCW 70.168.015.

Expiration date—2009 c 1 (Initiative Measure No. 1000) s 23: "Section 23 of this act expires July 1, 2009." [2009 c 1 s 31 (Initiative Measure No. 1000, approved November 4, 2008).]

Short title—Effective dates—2009 c 1 (Initiative Measure No. 1000): See RCW 70.245.901 and 70.245.903.

Effective date—2008 c 136 s 5: "Section 5 of this act takes effect July 1, 2009." [2008 c 136 s 7.]

Expiration date—2008 c 136 s 4: "Section 4 of this act expires July 1, 2009." [2008 c 136 s 6.]

Effective date—Implementation—2007 c 273: See RCW 70.230.900 and 70.230.901.

Findings—2007 c 261: See note following RCW 43.70.056.

Subheadings not law—2007 c 259: See note following RCW 7.70.060.

Effective date—2006 c 8 ss 112 and 210: "Sections 112 and 210 of this act take effect July 1, 2006." [2006 c 8 s 405.]

Findings—Intent—Part headings and subheadings not law—Severability—2006 c 8: See notes following RCW 5.64.010.

Basic health plan—Confidentiality: RCW 70.47.150.

RCW 42.56.365 Vital records. All or part of any vital records, reports, supporting documentation, vital statistics, data, or information contained therein under chapter 70.58A RCW are not subject

to public inspection and copying under this chapter. [2019 c 148 s 39.]

Effective date—Rule-making authority—2019 c 148: See RCW 70.58A.901 and 70.58A.902.

RCW 42.56.370 Client records of domestic violence programs, or community sexual assault programs or services for underserved populations. Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a community sexual assault program or services for underserved populations as defined in RCW 70.125.030 are exempt from disclosure under this chapter. [2012 c 29 s 13; 2005 c 274 s 417.]

RCW 42.56.375 Sexual misconduct—Postsecondary educational institutions—Personal information of witnesses and victims. (1) For the purposes of RCW 28B.112.040 through 28B.112.080 regarding postsecondary educational institutions, personal identifying information in an employee personnel file, student file, investigation file, settlement agreement, or other files held by a postsecondary educational institution that reveals the identity of witnesses to or victims of sexual misconduct committed at the postsecondary educational institution by an employee of the institution are exempt from public disclosure and copying. If the victim or witness indicates a desire for disclosure of the victim's or witness' personal identifying information, such desire shall govern.

(2) For purposes of this section, "witness" does not mean an employee under investigation for allegations of sexual misconduct. [2020 c 335 s 7.]

Findings—Intent—2020 c 335: See note following RCW 28B.112.040.

RCW 42.56.380 Agriculture and livestock. The following information relating to agriculture and livestock is exempt from disclosure under this chapter:

(1) Business-related information under RCW 15.86.110;

(2) Information provided under RCW 15.54.362;

(3) Production or sales records required to determine assessment levels and actual assessment payments to commodity boards and commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.115, 15.100, 15.89, and 16.67 RCW or required by the department of agriculture to administer these chapters or the department's programs;

(4) Consignment information contained on phytosanitary certificates issued by the department of agriculture under chapters 15.13, 15.49, and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States department of agriculture, or on applications for phytosanitary certification required by the department of agriculture;

(5) Financial and commercial information and records supplied by persons (a) to the department of agriculture for the purpose of conducting a referendum for the potential establishment of a commodity

board or commission; or (b) to the department of agriculture or commodity boards or commissions formed under chapter 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.115, 15.100, 15.89, or 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information;

(6) Information obtained regarding the purchases, sales, or production of an individual American ginseng grower or dealer, except for providing reports to the United States fish and wildlife service under RCW 15.19.080;

(7) Information collected regarding packers and shippers of fruits and vegetables for the issuance of certificates of compliance under RCW 15.17.140(2) and 15.17.143;

(8) Financial statements obtained under RCW 16.65.030(1)(d) for the purposes of determining whether or not the applicant meets the minimum net worth requirements to construct or operate a public livestock market;

(9) Information submitted by an individual or business to the department of agriculture under the requirements of chapters 16.36, 16.57, and 43.23 RCW for the purpose of herd inventory management for animal disease traceability. This information includes animal ownership, numbers of animals, locations, contact information, movements of livestock, financial information, the purchase and sale of livestock, account numbers or unique identifiers issued by government to private entities, and information related to livestock disease or injury that would identify an animal, a person, or location. Disclosure to local, state, and federal officials is not public disclosure. This exemption does not affect the disclosure of information used in reportable animal health investigations under chapter 16.36 RCW once they are complete;

(10) Results of testing for animal diseases from samples submitted by or at the direction of the animal owner or his or her designee that can be identified to a particular business or individual;

(11) Records of international livestock importation that can be identified to a particular animal, business, or individual received from the United States department of homeland security or the United States department of agriculture that are not disclosable by the federal agency under federal law including 5 U.S.C. Sec. 552;

(12) Records related to the entry of prohibited agricultural products imported into Washington state or that had Washington state as a final destination received from the United States department of homeland security or the United States department of agriculture that are not disclosable by the federal agency under federal law including 5 U.S.C. Sec. 552;

(13) Information obtained from the federal government or others under contract with the federal government or records obtained by the department of agriculture, in accordance with RCW 15.135.100;

(14) Hop grower lot numbers and laboratory results associated with the hop grower lot numbers where this information is used by the department of agriculture to issue export documents;

(15) Information or records obtained pursuant to a food and drug administration contract or commissioning agreement, in accordance with RCW 15.130.150; and

(16) The following information or records obtained from the federal food and drug administration by the public health laboratories within the department of health pursuant to a contract or agreement entered into for the purpose of obtaining funding for monitoring food

supplies for harmful contaminants, to the extent it is exempt from disclosure under 5 U.S.C. Sec. 552, the federal freedom of information act: Trade secrets; confidential commercial information; information under the federal deliberative process privilege; information compiled for law enforcement purposes; and information expressly required to be kept confidential by other federal laws. [2021 c 99 s 1; 2019 c 337 s 3. Prior: 2018 c 170 s 1; 2018 c 106 s 11; 2012 c 168 s 1; 2010 c 128 s 2; 2009 c 33 s 37; 2007 c 177 s 1; prior: 2006 c 330 s 26; 2006 c 75 s 3; 2005 c 274 s 418.]

Findings—Intent—2019 c 337: See note following RCW 15.130.150.

Effective date—2006 c 330 s 26: "Section 26 of this act takes effect July 1, 2006." [2006 c 330 s 32.]

Construction—2006 c 330: See RCW 15.89.900.

Effective date—2006 c 75 s 3: "Section 3 of this act takes effect July 1, 2006." [2006 c 75 s 5.]

Findings—2006 c 75: "The legislature finds that livestock identification numbers, premise information, and animal movement data are proprietary information that all have a role in defining a livestock producer's position within the marketplace, including his or her competitive advantage over other producers. The legislature therefore finds that exempting certain voluntary livestock identification, premise, and movement information from state public disclosure requirements will foster an environment that is more conducive to voluntary participation, and lead to a more effective livestock identification system." [2006 c 75 s 1.]

RCW 42.56.390 Emergency or transitional housing. Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043 are exempt from disclosure under this chapter. [2005 c 274 s 419.]

RCW 42.56.395 Affordable housing occupants and tenants. Information obtained by the department of commerce under chapter 43.185A RCW during monitoring activities or contract administration that reveals the name or other personal information of occupants or prospective tenants of affordable housing, or the street address of the residential real property occupied or applied for by tenants or prospective tenants of affordable housing, is exempt from disclosure under this chapter. [2023 c 275 s 11.]

RCW 42.56.400 Insurance and financial institutions. 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 30A.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, information that could reasonably be expected to reveal the identity of a whistleblower under RCW 21.40.090, and information received under RCW 43.320.190, all of which are 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) Documents, materials, or information obtained or provided by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, 48.31B.035, and 48.31B.036, all of which are confidential and privileged;

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

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

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

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

(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);

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

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

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

(21) Data, information, and documents that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275;

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017;

(23) Information not subject to public inspection or public disclosure under RCW 48.43.730(5);

(24) Documents, materials, or information obtained by the insurance commissioner under chapter 48.05A RCW;

(25) Documents, materials, or information obtained by the insurance commissioner under RCW 48.74.025, 48.74.028, 48.74.100(6), 48.74.110(2) (b) and (c), and 48.74.120 to the extent such documents, materials, or information independently qualify for exemption from disclosure as documents, materials, or information in possession of the commissioner pursuant to a financial conduct examination and exempt from disclosure under RCW 48.02.065;

(26) Nonpublic personal health information obtained by, disclosed to, or in the custody of the insurance commissioner, as provided in RCW 48.02.068;

(27) Documents, materials, or other information, including the corporate annual disclosure obtained by the insurance commissioner under RCW 48.195.020;

(28) Findings and orders disapproving acquisition of a trust institution under RCW 30B.53.100(3);

(29) All claims data, including health care and financial related data received under RCW 41.05.890, received and held by the health care authority;

(30) Documents, materials, or information obtained by the insurance commissioner under RCW 48.150.100, except for providers' names and business addresses;

(31) Contracts not subject to public disclosure under RCW 48.200.040 and 48.43.731; and

(32) Data, information, and documents obtained from an insurer, or by or from the insurance commissioner, under RCW 48.05.320. [2025 c 243 s 1; 2025 c 225 s 1; 2023 c 149 s 12; 2022 c 8 s 2. Prior: 2020 c 243 s 4; 2020 c 240 s 9; 2019 c 389 s 102; prior: 2018 c 260 s 32; 2018 c 30 s 9; prior: 2017 3rd sp.s. c 30 s 2; 2017 c 193 s 2; prior: 2016 c 142 s 20; (2016 c 142 s 19 expired July 1, 2017); 2016 c 122 s 4; prior: 2015 c 122 s 14; 2015 c 122 s 13; 2015 c 17 s 11; 2015 c 17 s 10; prior: 2013 c 277 s 5; 2013 c 65 s 5; 2012 2nd sp.s. c 3 s 8;

2012 c 222 s 2; 2011 c 188 s 21; prior: 2010 c 172 s 2; 2010 c 97 s 3; 2009 c 104 s 23; prior: 2007 c 197 s 7; 2007 c 117 s 36; 2007 c 82 s 17; prior: 2006 c 284 s 17; 2006 c 8 s 210; 2005 c 274 s 420.]

Reviser's note: This section was amended by 2025 c 225 s 1 and by 2025 c 243 s 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Rule making—Effective date—2020 c 240: See RCW 48.200.900 and 48.200.901.

Effective date—2018 c 260 ss 14, 22, 23, 31, and 32: See note following RCW 41.05.075.

Effective date—2018 c 30: See note following RCW 48.195.005.

Effective date—2017 3rd sp.s. c 30: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [July 7, 2017]." [2017 3rd sp.s. c 30 s 3.]

Effective date—2016 c 142 s 20: "Section 20 of this act takes effect July 1, 2017." [2016 c 142 s 23.]

Expiration date—2016 c 142 s 19: "Section 19 of this act expires July 1, 2017." [2016 c 142 s 22.]

Effective date—2016 c 142: See note following RCW 48.74.010.

Intent—2016 c 122: See note following RCW 48.46.243.

Effective dates—2015 c 122: See note following RCW 48.31B.005.

Short title—Effective dates—2015 c 17: See RCW 48.05A.900 and 48.05A.901.

Findings—Goals—Intent—2012 2nd sp.s. c 3: See note following RCW 28A.400.275.

Effective date—2011 c 188: See RCW 48.13.900.

Effective date—2007 c 117: See RCW 48.17.901.

Effective date—2006 c 284: See RCW 48.135.901.

Effective date—2006 c 8 ss 112 and 210: See note following RCW 42.56.360.

Findings—Intent—Part headings and subheadings not law—Severability—2006 c 8: See notes following RCW 5.64.010.

RCW 42.56.403 Property and casualty insurance statements of actuarial opinion. Documents, materials, and information obtained by

the insurance commissioner under RCW 48.05.385(2) are confidential and privileged and not subject to public disclosure under this chapter. [2006 c 25 s 3.]

Short title—2006 c 25 ss 1-3: See note following RCW 48.05.383.

Effective date—2006 c 25 ss 1-4: See note following RCW 48.05.383.

RCW 42.56.410 Employment security department records, certain purposes. The following information related to employment security is exempt from disclosure under this chapter:

(1) Records maintained by the employment security department and subject to chapter 50.13 or 50A.25 RCW if provided to another individual or organization for operational, research, or evaluation purposes are exempt from disclosure under this chapter; and

(2) Any inventory or data map records created under RCW 50.13.120(1)(b) that reveal the location of personal information or the extent to which it is protected. [2019 c 81 s 10; 2019 c 13 s 68; 2005 c 274 s 421.]

Reviser's note: This section was amended by 2019 c 13 s 68 and by 2019 c 81 s 10, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

RCW 42.56.420 Security. The following information relating to security is exempt from disclosure under this chapter:

(1) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(a) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(b) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism;

(2) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, or secure facility for persons civilly confined under chapter 71.09 RCW, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility, secure facility for persons civilly confined under chapter 71.09 RCW, or any individual's safety;

(3) Information compiled by school districts or schools in the development of their comprehensive safe school plans under RCW

28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school;

(4) Information regarding the public and private infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities, and other such information the release of which may increase risk to the confidentiality, integrity, or availability of security, information technology infrastructure, or assets;

(5) The system security and emergency preparedness plan required under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180; and

(6) Personally identifiable information of employees, and other security information, of a private cloud service provider that has entered into a criminal justice information services agreement as contemplated by the United States department of justice criminal justice information services security policy, as authorized by 28 C.F.R. Part 20. [2023 c 404 s 3; 2022 c 140 s 1; 2021 c 26 s 1; 2017 c 149 s 1; 2016 c 153 s 1; 2013 2nd sp.s. c 33 s 9; 2009 c 67 s 1; 2005 c 274 s 422.]

Findings—Intent—2023 c 404: See note following RCW 29A.08.105.

Application—2022 c 140 ss 1 and 2: See note following RCW 29A.04.260.

Effective date—2022 c 140: See note following RCW 29A.04.260.

Application—2021 c 26: "The exemptions in this act apply to any public records requests made prior to April 14, 2021, for which the disclosure of records has not already occurred." [2021 c 26 s 2.]

Effective date—2021 c 26: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 14, 2021]." [2021 c 26 s 3.]

RCW 42.56.422 Office of cybersecurity—Reports and information. The reports and information compiled pursuant to RCW 43.105.450 and section 7, chapter 291, Laws of 2021 are confidential and may not be disclosed under this chapter. [2021 c 291 s 8.]

RCW 42.56.423 Cybersecurity advisory committee and technology services board security subcommittee. The reports and information, or any portions thereof, that are designated confidential by the cybersecurity advisory committee under RCW 38.52.040(4) and the technology services board security subcommittee under RCW 43.105.291 are confidential and may not be disclosed under this chapter. [2023 c 124 s 4.]

RCW 42.56.425 Election security. (1) The following information related to election security is exempt from disclosure under this chapter:

(a) The continuity of operations plan for election operations and any security audits, security risk assessments, or security test results, relating to physical security or cybersecurity of election operations or infrastructure. These records are exempt from disclosure in their entirety;

(b) Those portions of records, manuals, or documentation containing technical details and information regarding election infrastructure, which include the systems, software, and networks that support the election process, the public disclosure of which may increase risk to the integrity of election operations or infrastructure;

(c) Voter signatures on ballot return envelopes, ballot declarations, and signature correction forms, including the original documents, copies, and electronic images; and a voter's phone number and email address contained on ballot return envelopes, ballot declarations, or signature correction forms. The secretary of state, by rule, may authorize in-person inspection of unredacted ballot return envelopes, ballot declarations, and signature correction forms in accordance with RCW 29A.04.260;

(d) Records regarding the infrastructure of a private entity submitted to elections officials are exempt from disclosure for a period of 25 years after the creation of the record when accompanied by an express statement that the record contains information about the private entity's infrastructure and public disclosure may increase risk to the integrity of election operations or infrastructure; and

(e) Voted ballots, voted ballot images, copies of voted ballots, photographs of voted ballots, facsimile images of voted ballots, or cast vote records of voted ballots, starting at the time of ballot return from the voter, during storage per RCW 29A.60.110, and through destruction following any retention period or litigation.

(2) The exemptions specified in subsection (1) of this section do not include information or records pertaining to security breaches, except as prohibited from disclosure under RCW 29A.12.200.

(3) The exemptions specified in subsection (1) of this section do not prohibit an audit authorized or required under Title 29A RCW from being conducted.

(4) Requests for records from or any existing reports generated by the statewide voter registration database established under RCW 29A.08.105 must be submitted to and fulfilled by the secretary of state. If a county elections office receives a request for records from or any existing reports generated by the statewide voter registration database established under RCW 29A.08.105, the county elections office shall not produce any records in response to the request, but shall, by the deadline set forth in RCW 42.56.520, direct the requestor to submit their request to the secretary of state. A knowing violation of this subsection is a violation of RCW 29A.84.150. [2026 c 213 s 1; 2023 c 404 s 4.]

Effective date—2026 c 213: See note following RCW 29A.84.150.

Findings—Intent—2023 c 404: See note following RCW 29A.08.105.

RCW 42.56.430 Fish and wildlife. ***(Effective until June 30, 2027.)*** The following information relating to fish and wildlife is exempt from disclosure under this chapter:

(1) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data, however, this information may be released to government agencies concerned with the management of fish and wildlife resources;

(2) Sensitive fish and wildlife data. Sensitive fish and wildlife data may be released to the following entities and their agents for fish, wildlife, land management purposes, or scientific research needs: Government agencies, public utilities, and accredited colleges and universities. Sensitive fish and wildlife data may be released to tribal governments. Sensitive fish and wildlife data may also be released to the owner, lessee, or right-of-way or easement holder of the private land to which the data pertains. The release of sensitive fish and wildlife data must be subject to a confidentiality agreement, except upon release of sensitive fish and wildlife data to the owner, lessee, or right-of-way or easement holder of private land who initially provided the data. Sensitive fish and wildlife data does not include data related to reports of predatory wildlife as specified in RCW 77.12.885. Sensitive fish and wildlife data must meet at least one of the following criteria of this subsection as applied by the department of fish and wildlife:

(a) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(b) Radio frequencies used in, or locational data generated by, telemetry studies; or

(c) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(i) The species has a known commercial or black market value;

(ii) There is a history of malicious take of that species and the species behavior or ecology renders it especially vulnerable;

(iii) There is a known demand to visit, take, or disturb the species; or

(iv) The species has an extremely limited distribution and concentration;

(3) The following information regarding any damage prevention cooperative agreement, or nonlethal preventative measures deployed to minimize wolf interactions with pets and livestock:

(a) The name, telephone number, residential address, and other personally identifying information of any person who has a current damage prevention cooperative agreement with the department, including a pet or livestock owner, and his or her employees or immediate family members, who agrees to deploy, or is responsible for the deployment of, nonlethal, preventative measures; and

(b) The legal description or name of any residential property, ranch, or farm, that is owned, leased, or used by any person included in (a) of this subsection;

(4) The following information regarding a reported depredation by wolves on pets or livestock:

(a) The name, telephone number, residential address, and other personally identifying information of:

(i) Any person who reported the depredation;

(ii) Any pet or livestock owner, and his or her employees or immediate family members, whose pet or livestock was the subject of a reported depredation; and

(iii) Any department of fish and wildlife employee, range rider contractor, or trapper contractor who directly:

(A) Responds to a depredation; or

(B) Assists in the lethal removal of a wolf; and

(b) The legal description, location coordinates, or name that identifies any residential property, or ranch or farm that contains a residence, that is owned, leased, or used by any person included in (a) of this subsection;

(5) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag; however, the department of fish and wildlife may disclose personally identifying information to:

(a) Government agencies concerned with the management of fish and wildlife resources;

(b) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(c) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040;

(6)(a) Information that the department of fish and wildlife has received or accessed but may not disclose due to confidentiality requirements in the Magnuson-Stevens fishery conservation and management reauthorization act of 2006 (16 U.S.C. Sec. 1861(h)(3) and (i), and Sec. 1881a(b)); and

(b) Fisheries-related information that was collected by another state and is confidential under the laws of that state;

(7) The following tribal fish and shellfish harvest information, shared with the department of fish and wildlife:

(a) Fisher name;

(b) Fisher signature;

(c) Total harvest value per species;

(d) Total harvest value;

(e) Price per pound; and

(f) Tribal tax information; and

(8) The following commercial shellfish harvest information, shared with the department of fish and wildlife:

(a) Individual farmer name;

(b) Individual farmer signature;

(c) Total harvest value per species;

(d) Total harvest value;

(e) Price per pound; and

(f) Tax information. [2024 c 48 s 2; 2018 c 214 s 1. Prior: 2017 c 246 s 1; 2017 c 71 s 1; 2008 c 252 s 1; 2007 c 293 s 1; 2005 c 274 s 423.]

Expiration date—2024 c 48 s 2: "Section 2 of this act expires June 30, 2027." [2024 c 48 s 4.]

Findings—Intent—2024 c 48: "Fishery data and recordkeeping occurs primarily at the state level on the west coast, but many

fishers participate in multiple fisheries along the coast and deliver their catches into multiple states. Coastal states regularly share confidential data to ensure regulations are enforced, to understand fisheries performance, and to analyze the need for and likely effects of potential rule changes. The goal of this act is to expressly authorize the department of fish and wildlife to protect data received from other coastal states if that data is confidential under the originating state's laws." [2024 c 48 s 1.]

Expiration date—2022 c 294; 2018 c 214 s 1: "Section 1 of this act expires June 30, 2027." [2022 c 294 s 2; 2018 c 214 s 3.]

Expiration date—2022 c 294; 2017 c 246: "This act expires June 30, 2027." [2022 c 294 s 1; 2017 c 246 s 4.]

RCW 42.56.430 Fish and wildlife. ***(Effective June 30, 2027.)*** The following information relating to fish and wildlife is exempt from disclosure under this chapter:

(1) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data, however, this information may be released to government agencies concerned with the management of fish and wildlife resources;

(2) Sensitive fish and wildlife data. Sensitive fish and wildlife data may be released to the following entities and their agents for fish, wildlife, land management purposes, or scientific research needs: Government agencies, public utilities, and accredited colleges and universities. Sensitive fish and wildlife data may be released to tribal governments. Sensitive fish and wildlife data may also be released to the owner, lessee, or right-of-way or easement holder of the private land to which the data pertains. The release of sensitive fish and wildlife data must be subject to a confidentiality agreement, except upon release of sensitive fish and wildlife data to the owner, lessee, or right-of-way or easement holder of private land who initially provided the data. Sensitive fish and wildlife data does not include data related to reports of predatory wildlife as specified in RCW 77.12.885. Sensitive fish and wildlife data must meet at least one of the following criteria of this subsection as applied by the department of fish and wildlife:

(a) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(b) Radio frequencies used in, or locational data generated by, telemetry studies; or

(c) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(i) The species has a known commercial or black market value;

(ii) There is a history of malicious take of that species and the species behavior or ecology renders it especially vulnerable;

(iii) There is a known demand to visit, take, or disturb the species; or

(iv) The species has an extremely limited distribution and concentration;

(3) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag; however, the department of fish and wildlife may disclose personally identifying information to:

(a) Government agencies concerned with the management of fish and wildlife resources;

(b) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(c) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040;

(4)(a) Information that the department of fish and wildlife has received or accessed but may not disclose due to confidentiality requirements in the Magnuson-Stevens fishery conservation and management reauthorization act of 2006 (16 U.S.C. Sec. 1861(h)(3) and (i), and Sec. 1881a(b)); and

(b) Fisheries-related information that was collected by another state and is confidential under the laws of that state;

(5) The following tribal fish and shellfish harvest information, shared with the department of fish and wildlife:

(a) Fisher name;

(b) Fisher signature;

(c) Total harvest value per species;

(d) Total harvest value;

(e) Price per pound; and

(f) Tribal tax information; and

(6) The following commercial shellfish harvest information, shared with the department of fish and wildlife:

(a) Individual farmer name;

(b) Individual farmer signature;

(c) Total harvest value per species;

(d) Total harvest value;

(e) Price per pound; and

(f) Tax information. [2024 c 48 s 3; 2018 c 214 s 2; 2017 c 71 s 1; 2008 c 252 s 1; 2007 c 293 s 1; 2005 c 274 s 423.]

Effective date—2024 c 48 s 3: "Section 3 of this act takes effect June 30, 2027." [2024 c 48 s 5.]

Effective date—2022 c 294; 2018 c 214 s 2: "Section 2 of this act takes effect June 30, 2027." [2022 c 294 s 3; 2018 c 214 s 4.]

RCW 42.56.440 Veterans' discharge papers—Exceptions. (1) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents are exempt from disclosure under this chapter. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(2) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records are exempt from disclosure under this chapter, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(3) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(4) For the purposes of this section, next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(5) Veteran discharge or separation documents held by the department of veterans affairs are confidential and not subject to disclosure except as provided in RCW 43.60A.290. [2023 c 327 s 6; 2005 c 274 s 424.]

RCW 42.56.450 Check cashers and sellers licensing applications. Information in an application for licensing or a small loan endorsement under chapter 31.45 RCW regarding the personal residential address, telephone number of the applicant, or financial statement is exempt from disclosure under this chapter. [2005 c 274 s 425.]

RCW 42.56.460 Fireworks and explosives. (1) All records obtained and all reports produced as required by state fireworks law, chapter 70.77 RCW, are exempt from disclosure under this chapter.

(2) All records obtained and all reports submitted as required by the Washington state explosives act, chapter 70.74 RCW, are exempt from disclosure under this chapter. Nothing in this subsection (2) shall be construed to restrict access to information related to the regulatory duties or actions of any agency. [2019 c 125 s 1; 2005 c 274 s 426.]

RCW 42.56.470 Correctional industries workers. All records, documents, data, and other materials obtained under the requirements of RCW 72.09.115 from an existing correctional industries class I work program participant or an applicant for a proposed new or expanded class I correctional industries work program are exempt from public disclosure under this chapter. [2005 c 274 s 427.]

RCW 42.56.475 Department of corrections and private detention facilities. (1) The following information or records created or maintained by the department of corrections or a private detention

facility is exempt from public inspection and copying under this chapter:

(a) Body scanner images from any system designed to detect and visualize contraband hidden in body cavities or beneath clothing, including backscatter X-ray, millimeter wave, and transmission X-ray systems;

(b) The following information and records created or maintained pursuant to the federal prison rape elimination act, 34 U.S.C. Sec. 30301 et seq., and its regulations:

(i) Risk assessments, risk indicators, and monitoring plans;

(ii) Reports of sexual abuse or sexual harassment, as defined under 28 C.F.R. 115.6;

(iii) Records of open prison rape elimination act investigations; and

(iv) The identities of individuals other than department of corrections or private detention facility staff, contractors, and volunteers, in closed prison rape elimination act investigation reports and related investigative materials; however, the identity of an accused individual is not exempt if the allegation is determined to have been substantiated; and

(c) Health information in records other than an incarcerated individual's or detained individual's medical, mental health, or dental files.

(2) The exemption of information or records described under subsection (1)(b) and (c) of this section does not apply to requests by the incarcerated individual or detained individual who is the subject of the information, a requestor with the written permission of the incarcerated individual or detained individual who is the subject of the information, or a personal representative of an incarcerated individual or detained individual who is the subject of the information. In response to such requests, the department of corrections or private detention facility may withhold information revealing the identity of other incarcerated or detained individuals.

(3) An agency refusing, in whole or in part, inspection of a public record containing information listed in subsection (1)(c) of this section may cite to subsection (1)(c) of this section, without further explanation, when providing the brief explanation required by RCW 42.56.210(3), and shall also identify the number of pages withheld, if any pages are withheld in their entirety.

(4) For purposes of this section:

(a) "Health information" means any information that identifies or can readily be associated with the identity of an incarcerated individual or detained individual and directly relates to the following: Medical, mental health, or dental diagnoses or conditions; medical, mental health, or dental services, treatments, or procedures, including requests for or complaints about such services, treatments, or procedures; transgender, intersex, nonbinary, or gender nonconforming status; sexual orientation; genital anatomy; or gender-affirming care or accommodations other than an incarcerated individual's or detained individual's preferred name, pronouns, and gender marker.

(b) The following information is not "health information" under this section: (i) Health care information subject to RCW 42.56.360(2) and chapter 70.02 RCW; and (ii) information related to injuries, other than injuries related to medical procedures or genital anatomy, contained in incident reports, infraction records, or use of force

reports, prepared by department of corrections or private detention facility staff other than health care providers.

(c) "Incarcerated individual" has the same meaning as "inmate" under RCW 72.09.015 and includes currently or formerly incarcerated individuals.

(d) "Detained individual" means a person confined in a private detention facility.

(e) "Private detention facility" has the same meaning as in RCW 70.395.020.

(5) A private detention facility operating pursuant to a contract with a state or local agency is subject to the requirements of this chapter. [2023 c 419 s 1; 2022 c 272 s 1.]

Effective date—2023 c 419: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 11, 2023]." [2023 c 419 s 11.]

Construction—2023 c 419: "This act shall be construed liberally for the accomplishment of the purposes thereof." [2023 c 419 s 12.]

Retroactive application—2022 c 272: "This act is remedial, curative, and retroactive, and the exemptions in section 1 of this act apply retroactively to any public records request made prior to March 31, 2022, for which disclosure of records has not already occurred." [2022 c 272 s 2.]

Effective date—2022 c 272: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 31, 2022]." [2022 c 272 s 3.]

RCW 42.56.510 Duty to disclose or withhold information—Otherwise provided. Nothing in RCW 42.56.250 and 42.56.330 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. [2005 c 274 s 287; 1991 c 23 s 11; 1990 c 256 s 2; 1987 c 404 s 3. Formerly RCW 42.17.311.]

RCW 42.56.520 Prompt responses required. (1) Responses to requests for public records shall be made promptly by agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives. Within five business days of receiving a public record request, an agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives must respond in one of the ways provided in this subsection (1):

(a) Providing the record;

(b) Providing an internet address and link on the agency's website to the specific records requested, except that if the requester notifies the agency that he or she cannot access the records through the internet, then the agency must provide copies of the record or allow the requester to view copies using an agency computer;

(c) Acknowledging that the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives has received the request and providing a reasonable estimate of the time the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives will require to respond to the request;

(d) Acknowledging that the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives has received the request and asking the requestor to provide clarification for a request that is unclear, and providing, to the greatest extent possible, a reasonable estimate of the time the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives will require to respond to the request if it is not clarified; or

(e) Denying the public record request.

(2) Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

(3)(a) In acknowledging receipt of a public record request that is unclear, an agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives may ask the requestor to clarify what information the requestor is seeking.

(b) If the requestor fails to respond to an agency request to clarify the request, and the entire request is unclear, the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives need not respond to it. Otherwise, the agency must respond, pursuant to this section, to those portions of the request that are clear.

(4) Denials of requests must be accompanied by a written statement of the specific reasons therefor. Agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives shall establish mechanisms for the most prompt possible review of decisions denying inspection, and such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action or final action by the office of the secretary of the senate or the office of the chief clerk of the house of representatives for the purposes of judicial review. [2017 c 303 s 3; 2010 c 69 s 2; 1995 c 397 s 15; 1992 c 139 s 6; 1975 1st ex.s. c 294 s 18; 1973 c 1 s 32 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.320.]

Finding—2010 c 69: "The internet provides for instant access to public records at a significantly reduced cost to the agency and the public. Agencies are encouraged to make commonly requested records available on agency websites. When an agency has made records available on its website, members of the public with computer access should be encouraged to preserve taxpayer resources by accessing those records online." [2010 c 69 s 1.]

Effective date—1995 c 397: See note following RCW 29B.40.020.

Effective date—Construction—1973 c 1: See notes following RCW 29B.05.010.

RCW 42.56.530 Review of agency denial. Whenever a state agency concludes that a public record is exempt from disclosure and denies a person opportunity to inspect or copy a public record for that reason, the person may request the attorney general to review the matter. The attorney general shall provide the person with his or her written opinion on whether the record is exempt.

Nothing in this section shall be deemed to establish an attorney-client relationship between the attorney general and a person making a request under this section. [1992 c 139 s 10. Formerly RCW 42.17.325.]

RCW 42.56.540 Court protection of public records. The examination of any specific public record may be enjoined if, upon motion and affidavit by an agency or its representative or a person who is named in the record or to whom the record specifically pertains, the superior court for the county in which the movant resides or in which the record is maintained, finds that such examination would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions. An agency has the option of notifying persons named in the record or to whom a record specifically pertains, that release of a record has been requested. However, this option does not exist where the agency is required by law to provide such notice. [1992 c 139 s 7; 1975 1st ex.s. c 294 s 19; 1973 c 1 s 33 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.330.]

Effective date—Construction—1973 c 1: See notes following RCW 29B.05.010.

RCW 42.56.550 Judicial review of agency actions. (1) Upon the motion of any person having been denied an opportunity to inspect or copy a public record by an agency, the superior court in the county in which a record is maintained may require the responsible agency to show cause why it has refused to allow inspection or copying of a specific public record or class of records. The burden of proof shall be on the agency to establish that refusal to permit public inspection and copying is in accordance with a statute that exempts or prohibits disclosure in whole or in part of specific information or records.

(2) Upon the motion of any person who believes that an agency has not made a reasonable estimate of the time that the agency requires to respond to a public record request or a reasonable estimate of the charges to produce copies of public records, the superior court in the county in which a record is maintained may require the responsible agency to show that the estimate it provided is reasonable. The burden of proof shall be on the agency to show that the estimate it provided is reasonable.

(3) Judicial review of all agency actions taken or challenged under RCW 42.56.030 through 42.56.520 shall be de novo. Courts shall take into account the policy of this chapter that free and open

examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others. Courts may examine any record in camera in any proceeding brought under this section. The court may conduct a hearing based solely on affidavits.

(4) Any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record or the right to receive a response to a public record request within a reasonable amount of time shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. In addition, it shall be within the discretion of the court to award such person an amount not to exceed one hundred dollars for each day that he or she was denied the right to inspect or copy said public record.

(5) For actions under this section against counties, the venue provisions of RCW 36.01.050 apply.

(6) Actions under this section must be filed within one year of the agency's claim of exemption or the last production of a record on a partial or installment basis. [2017 c 304 s 5; 2011 c 273 s 1. Prior: 2005 c 483 s 5; 2005 c 274 s 288; 1992 c 139 s 8; 1987 c 403 s 5; 1975 1st ex.s. c 294 s 20; 1973 c 1 s 34 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.340.]

Intent—Severability—1987 c 403: See notes following RCW 42.56.050.

Effective date—Construction—1973 c 1: See notes following RCW 29B.05.010.

Application of chapter 300, Laws of 2011: See note following RCW 42.56.565.

RCW 42.56.556 Failure to provide recording of school district board of directors meeting. The failure to provide a recording of a school district board of directors meeting that is required to be recorded under RCW 42.30.035(2) shall not be a basis for finding that a requester has been denied an opportunity to inspect or copy a public record if the recording, despite the good faith efforts of the school district board of directors to create a recording, is unavailable or unintelligible due to technical issues. [2023 c 67 s 2.]

Effective date—2023 c 67: See note following RCW 42.30.035.

RCW 42.56.560 Application of RCW 42.56.550. The procedures in RCW 42.56.550 govern denials of an opportunity to inspect or copy a public record by the office of the secretary of the senate or the office of the chief clerk of the house of representatives. [2005 c 274 s 289; 1995 c 397 s 16. Formerly RCW 42.17.341.]

Effective date—1995 c 397: See note following RCW 29B.40.020.

RCW 42.56.565 Inspection or copying by persons serving criminal sentences—Injunction. (1) A court shall not award penalties under

RCW 42.56.550(4) to a person who was serving a criminal sentence in a state, local, or privately operated correctional facility on the date the request for public records was made, unless the court finds that the agency acted in bad faith in denying the person the opportunity to inspect or copy a public record.

(2) The inspection or copying of any nonexempt public record by persons serving criminal sentences in state, local, or privately operated correctional facilities may be enjoined pursuant to this section.

(a) The injunction may be requested by: (i) An agency or its representative; (ii) a person named in the record or his or her representative; or (iii) a person to whom the requests specifically pertains or his or her representative.

(b) The request must be filed in: (i) The superior court in which the movant resides; or (ii) the superior court in the county in which the record is maintained.

(c) In order to issue an injunction, the court must find that:

(i) The request was made to harass or intimidate the agency or its employees;

(ii) Fulfilling the request would likely threaten the security of correctional facilities;

(iii) Fulfilling the request would likely threaten the safety or security of staff, inmates, family members of staff, family members of other inmates, or any other person; or

(iv) Fulfilling the request may assist criminal activity.

(3) In deciding whether to enjoin a request under subsection (2) of this section, the court may consider all relevant factors including, but not limited to:

(a) Other requests by the requestor;

(b) The type of record or records sought;

(c) Statements offered by the requestor concerning the purpose for the request;

(d) Whether disclosure of the requested records would likely harm any person or vital government interest;

(e) Whether the request seeks a significant and burdensome number of documents;

(f) The impact of disclosure on correctional facility security and order, the safety or security of correctional facility staff, inmates, or others; and

(g) The deterrence of criminal activity.

(4) The motion proceeding described in this section shall be a summary proceeding based on affidavits or declarations, unless the court orders otherwise. Upon a showing by a preponderance of the evidence, the court may enjoin all or any part of a request or requests. Based on the evidence, the court may also enjoin, for a period of time the court deems reasonable, future requests by:

(a) The same requestor; or

(b) An entity owned or controlled in whole or in part by the same requestor.

(5) An agency shall not be liable for penalties under RCW 42.56.550(4) for any period during which an order under this section is in effect, including during an appeal of an order under this section, regardless of the outcome of the appeal. [2011 c 300 s 1; 2009 c 10 s 1.]

Application—2011 c 300: "This act applies to all actions brought under RCW 42.56.550 in which final judgment has not been entered as of July 22, 2011." [2011 c 300 s 2.]

Effective date—2009 c 10: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 20, 2009]." [2009 c 10 s 2.]

RCW 42.56.570 Explanatory pamphlet—Advisory model rules—Consultation and training services. (1) The attorney general's office shall publish, and update when appropriate, a pamphlet, written in plain language, explaining this chapter.

(2) The attorney general, by February 1, 2006, shall adopt by rule advisory model rules for state and local agencies, as defined in RCW 42.56.010, addressing the following subjects:

(a) Providing fullest assistance to requestors;

(b) Fulfilling large requests in the most efficient manner;

(c) Fulfilling requests for electronic records; and

(d) Any other issues pertaining to public disclosure as determined by the attorney general.

(3) The attorney general, in his or her discretion, may from time to time revise the model rules.

(4) Local agencies should consult the advisory model rules when establishing local ordinances for compliance with the requirements and responsibilities of this chapter.

(5) The attorney general must establish a consultation program to provide information for developing best practices for local agencies requesting assistance in compliance with this chapter including, but not limited to: Responding to records requests, seeking additional public and private resources for developing and updating technology information services, and mitigating liability and costs of compliance. The attorney general may develop the program in conjunction with the advisory model rule and may collaborate with the chief information officer, the state archivist, and other relevant agencies and organizations in developing and managing the program.

(6) The state archivist must offer and provide consultation and training services for local agencies on improving record retention practices. [2019 c 372 s 2; 2017 c 303 s 4; 2007 c 197 s 8. Prior: 2005 c 483 s 4; 2005 c 274 s 290; 1992 c 139 s 9. Formerly RCW 42.17.348.]

RCW 42.56.580 Public records officers. (1) Each state and local agency shall appoint and publicly identify a public records officer whose responsibility is to serve as a point of contact for members of the public in requesting disclosure of public records and to oversee the agency's compliance with the public records disclosure requirements of this chapter. A state or local agency's public records officer may appoint an employee or official of another agency as its public records officer.

(2) For state agencies, the name and contact information of the agency's public records officer to whom members of the public may direct requests for disclosure of public records and who will oversee the agency's compliance with the public records disclosure

requirements of this chapter shall be published in the state register at the time of designation and maintained thereafter on the code reviser website for the duration of the designation.

(3) For local agencies, the name and contact information of the agency's public records officer to whom members of the public may direct requests for disclosure of public records and who will oversee the agency's compliance within the public records disclosure requirements of this chapter shall be made in a way reasonably calculated to provide notice to the public, including posting at the local agency's place of business, posting on its internet site, or including in its publications. [2007 c 456 s 6; 2005 c 483 s 3. Formerly RCW 42.17.253.]

RCW 42.56.590 Personal information—Notice of security breaches. (1) Any agency that owns or licenses data that includes personal information shall disclose any breach of the security of the system to any resident of this state whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person and the personal information was not secured. Notice is not required if the breach of the security of the system is not reasonably likely to subject consumers to a risk of harm. The breach of secured personal information must be disclosed if the information acquired and accessed is not secured during a security breach or if the confidential process, encryption key, or other means to decipher the secured information was acquired by an unauthorized person.

(2) Any agency that maintains or possesses data that may include personal information that the agency does not own or license shall notify the owner or licensee of the information of any breach of the security of the data immediately following discovery, if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

(3) The notification required by this section may be delayed if the data owner or licensee contacts a law enforcement agency after discovery of a breach of the security of the system and a law enforcement agency determines that the notification will impede a criminal investigation. The notification required by this section shall be made after the law enforcement agency determines that it will not compromise the investigation.

(4) For purposes of this section and except under subsection (5) of this section and RCW 42.56.592, notice may be provided by one of the following methods:

(a) Written notice;

(b) Electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 U.S.C. Sec. 7001; or

(c) Substitute notice, if the agency demonstrates that the cost of providing notice would exceed two hundred fifty thousand dollars, or that the affected class of subject persons to be notified exceeds five hundred thousand, or the agency does not have sufficient contact information. Substitute notice shall consist of all of the following:

(i) Email notice when the agency has an email address for the subject persons;

(ii) Conspicuous posting of the notice on the agency's website page, if the agency maintains one; and

(iii) Notification to major statewide media.

(5) An agency that maintains its own notification procedures as part of an information security policy for the treatment of personal information and is otherwise consistent with the timing requirements of this section is in compliance with the notification requirements of this section if it notifies subject persons in accordance with its policies in the event of a breach of security of the system.

(6) Any agency that is required to issue notification pursuant to this section shall meet all of the following requirements:

(a) The notification must be written in plain language; and

(b) The notification must include, at a minimum, the following information:

(i) The name and contact information of the reporting agency subject to this section;

(ii) A list of the types of personal information that were or are reasonably believed to have been the subject of a breach;

(iii) A time frame of exposure, if known, including the date of the breach and the date of the discovery of the breach; and

(iv) The toll-free telephone numbers and addresses of the major credit reporting agencies if the breach exposed personal information.

(7) Any agency that is required to issue a notification pursuant to this section to more than five hundred Washington residents as a result of a single breach shall notify the attorney general of the breach no more than thirty days after the breach was discovered.

(a) The notice to the attorney general must include the following information:

(i) The number of Washington residents affected by the breach, or an estimate if the exact number is not known;

(ii) A list of the types of personal information that were or are reasonably believed to have been the subject of a breach;

(iii) A time frame of exposure, if known, including the date of the breach and the date of the discovery of the breach;

(iv) A summary of steps taken to contain the breach; and

(v) A single sample copy of the security breach notification, excluding any personally identifiable information.

(b) The notice to the attorney general must be updated if any of the information identified in (a) of this subsection is unknown at the time notice is due.

(8) Notification to affected individuals must be made in the most expedient time possible, without unreasonable delay, and no more than thirty calendar days after the breach was discovered, unless the delay is at the request of law enforcement as provided in subsection (3) of this section, or the delay is due to any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. An agency may delay notification to the consumer for up to an additional fourteen days to allow for notification to be translated into the primary language of the affected consumers.

(9) For purposes of this section, "breach of the security of the system" means unauthorized acquisition of data that compromises the security, confidentiality, or integrity of personal information maintained by the agency. Good faith acquisition of personal information by an employee or agent of the agency for the purposes of the agency is not a breach of the security of the system when the personal information is not used or subject to further unauthorized disclosure.

(10)(a) For purposes of this section, "personal information" means:

(i) An individual's first name or first initial and last name in combination with any one or more of the following data elements:

(A) Social security number or the last four digits of the social security number;

(B) Driver's license number or Washington identification card number;

(C) Account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual's financial account, or any other numbers or information that can be used to access a person's financial account;

(D) Full date of birth;

(E) Private key that is unique to an individual and that is used to authenticate or sign an electronic record;

(F) Student, military, or passport identification number;

(G) Health insurance policy number or health insurance identification number;

(H) Any information about a consumer's medical history or mental or physical condition or about a health care professional's medical diagnosis or treatment of the consumer; or

(I) Biometric data generated by automatic measurements of an individual's biological characteristics, such as a fingerprint, voiceprint, eye retinas, irises, or other unique biological patterns or characteristics that is used to identify a specific individual;

(ii) User name or email address in combination with a password or security questions and answers that would permit access to an online account; and

(iii) Any of the data elements or any combination of the data elements described in (a)(i) of this subsection without the consumer's first name or first initial and last name if:

(A) Encryption, redaction, or other methods have not rendered the data element or combination of data elements unusable; and

(B) The data element or combination of data elements would enable a person to commit identity theft against a consumer.

(b) Personal information does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

(11) For purposes of this section, "secured" means encrypted in a manner that meets or exceeds the national institute of standards and technology standard or is otherwise modified so that the personal information is rendered unreadable, unusable, or undecipherable by an unauthorized person. [2020 c 65 s 1; 2019 c 241 s 5; 2015 c 64 s 3; 2007 c 197 s 9; 2005 c 368 s 1. Formerly RCW 42.17.31922.]

Effective date—2019 c 241: See note following RCW 19.255.010.

Intent—2015 c 64: See note following RCW 19.255.010.

Similar provision: RCW 19.255.010.

RCW 42.56.592 Personal information—Covered entities. A covered entity under the federal health insurance portability and accountability act of 1996, Title 42 U.S.C. Sec. 1320d et seq., is deemed to have complied with the requirements of this chapter with respect to protected health information if it has complied with section 13402 of the federal health information technology for

economic and clinical health act, P.L. 111-5 as it existed on July 24, 2015. Covered entities shall notify the attorney general pursuant to RCW 42.56.590(7) in compliance with the timeliness of notification requirements of section 13402 of the federal health information technology for economic and clinical health act, P.L. 111-5 as it existed on July 24, 2015, notwithstanding the timeline in RCW 42.56.590(7). [2019 c 241 s 6.]

Effective date—2019 c 241: See note following RCW 19.255.010.

RCW 42.56.594 Personal information—Consumer protection. (1) Any waiver of the provisions of RCW 42.56.590 or 42.56.592 is contrary to public policy, and is void and unenforceable.

(2)(a) Any consumer injured by a violation of RCW 42.56.590 may institute a civil action to recover damages.

(b) Any agency that violates, proposes to violate, or has violated RCW 42.56.590 may be enjoined.

(c) The rights and remedies available under RCW 42.56.590 are cumulative to each other and to any other rights and remedies available under law. [2019 c 241 s 7.]

Effective date—2019 c 241: See note following RCW 19.255.010.

RCW 42.56.600 Mediation communications. Records of mediation communications that are privileged under chapter 7.07 RCW are exempt from disclosure under this chapter. [2006 c 209 s 15.]

RCW 42.56.610 Certain information from dairies and feedlots limited—Rules. The following information in plans, records, and reports obtained by state and local agencies from dairies, animal feeding operations, and concentrated animal feeding operations, not required to apply for a national pollutant discharge elimination system permit is disclosable only in ranges that provide meaningful information to the public while ensuring confidentiality of business information regarding: (1) Number of animals; (2) volume of livestock nutrients generated; (3) number of acres covered by the plan or used for land application of livestock nutrients; (4) livestock nutrients transferred to other persons; and (5) crop yields. The department of agriculture shall adopt rules to implement this section in consultation with affected state and local agencies. [2005 c 510 s 5. Formerly RCW 42.17.31923.]

RCW 42.56.615 Enumeration data used by the office of financial management for population estimates. Actual enumeration data collected under RCW 35.13.260, 35A.14.700, 36.13.030, and chapter 43.62 RCW shall be used and retained only by the office of financial management and only for the purposes of RCW 35.13.260, 35A.14.700, 36.13.030, and chapter 43.62 RCW. The enumeration data collected is confidential, is exempt from public inspection and copying under this chapter, and in accordance with RCW 43.41.435, must be destroyed after it is used. [2014 c 14 s 1.]

RCW 42.56.620 Cannabis research licensee reports. Reports submitted by cannabis research licensees in accordance with rules adopted by the state liquor and cannabis board under RCW 69.50.372 that contain proprietary information are exempt from disclosure under this chapter. [2022 c 16 s 29; 2015 2nd sp.s. c 4 s 1504; 2015 c 71 s 4.]

Intent—Finding—2022 c 16: See note following RCW 69.50.101.

Findings—Intent—Effective dates—2015 2nd sp.s. c 4: See notes following RCW 69.50.334.

RCW 42.56.625 Medical cannabis authorization database. Records in the medical cannabis authorization database established in RCW 69.51A.230 containing names and other personally identifiable information of qualifying patients and designated providers are exempt from disclosure under this chapter. [2022 c 16 s 30; 2015 c 70 s 22.]

Intent—Finding—2022 c 16: See note following RCW 69.50.101.

Effective date—2015 c 70 ss 21, 22, 32, and 33: See note following RCW 69.51A.230.

Short title—Findings—Intent—References to Washington state liquor control board—Draft legislation—2015 c 70: See notes following RCW 66.08.012.

RCW 42.56.630 Registration information of members of cooperatives to produce and process medical cannabis. (1) Registration information submitted to the state liquor and cannabis board under RCW 69.51A.250 including the names of all participating members of a cooperative, copies of each member's recognition card, location of the cooperative, and other information required for registration by the state liquor and cannabis board is exempt from disclosure under this chapter.

(2) The definitions in this section apply throughout this section unless the context clearly requires otherwise.

(a) "Cooperative" means a cooperative established under RCW 69.51A.250 to produce and process cannabis only for the medical use of members of the cooperative.

(b) "Recognition card" has the same meaning as provided in RCW 69.51A.010. [2022 c 16 s 31; 2015 2nd sp.s. c 4 s 1002.]

Intent—Finding—2022 c 16: See note following RCW 69.50.101.

Findings—Intent—Effective dates—2015 2nd sp.s. c 4: See notes following RCW 69.50.334.

RCW 42.56.640 Vulnerable individuals, in-home caregivers for vulnerable populations. (1) Sensitive personal information of vulnerable individuals and sensitive personal information of in-home caregivers for vulnerable populations is exempt from inspection and copying under this chapter.

(2) The following definitions apply to this section:

(a) "In-home caregivers for vulnerable populations" means: (i) Individual providers as defined in RCW 74.39A.240, (ii) home care aides as defined in RCW 18.88B.010, and (iii) family child care providers as defined in RCW 41.56.030.

(b) "Sensitive personal information" means names, addresses, GPS [global positioning system] coordinates, telephone numbers, email addresses, social security numbers, driver's license numbers, or other personally identifying information.

(c) "Vulnerable individual" has the meaning set forth in RCW 9.35.005. [2017 c 4 s 8 (Initiative Measure No. 1501, approved November 8, 2016).]

Intent—2017 c 4 ss 8, 10, and 11 (Initiative Measure No. 1501): "It is the intent of part three of this act to protect seniors and vulnerable individuals from identity theft and other financial crimes by preventing the release of public records that could be used to victimize them. Sensitive personal information about in-home caregivers for vulnerable populations is protected because its release could facilitate identity crimes against seniors, vulnerable individuals, and other vulnerable populations that these caregivers serve." [2017 c 4 s 7 (Initiative Measure No. 1501, approved November 8, 2016).]

Short title—Intent—Construction—2017 c 4 (Initiative Measure No. 1501): See notes following RCW 9.35.005.

RCW 42.56.645 Release of public information—2017 c 4 (Initiative Measure No. 1501). [(1)] Nothing in chapter 4, Laws of 2017 shall prevent the release of public information in the following circumstances:

(a) The information is released to a governmental body, including the state's area agencies on aging, and the recipient agrees to protect the confidentiality of the information;

(b) The information concerns individuals who have been accused of or disciplined for abuse, neglect, exploitation, abandonment, or other acts involving the victimization of individuals or other professional misconduct;

(c) The information is being released as part of a judicial or quasi-judicial proceeding and subject to a court's order protecting the confidentiality of the information and allowing it to be used solely in that proceeding;

(d) The information is being provided to a representative certified or recognized under RCW 41.56.240, or as necessary for the provision of fringe benefits to public employees, and the recipient agrees to protect the confidentiality of the information;

(e) The disclosure is required by federal law;

(f) The disclosure is required by a contract between the state and a third party, and the recipient agrees to protect the confidentiality of the information;

(g) The information is released to a person or entity under contract with the state to manage, administer, or provide services to vulnerable residents, or under contract with the state to engage in research or analysis about state services for vulnerable residents,

and the recipient agrees to protect the confidentiality of the information; or

(h) Information about specific public employee(s) is released to a bona fide news organization that requests such information to conduct an investigation into, or report upon, the actions of such specific public employee(s).

(2) Nothing in chapter 4, Laws of 2017 shall prevent an agency from providing contact information for the purposes of RCW *74.39A.056(3) and 74.39A.250. Nothing in chapter 4, Laws of 2017 shall prevent an agency from confirming the licensing or certification status of a caregiver on an individual basis to allow consumers to ensure the licensing or certification status of an individual caregiver. [2017 c 4 s 11 (Initiative Measure No. 1501, approved November 8, 2016).]

***Reviser's note:** RCW 74.39A.056 was amended by 2025 c 214 s 2, changing subsection (3) to subsection (4).

Intent—2017 c 4 ss 8, 10, and 11 (Initiative Measure No. 1501): See note following RCW 42.56.640.

Short title—Intent—Construction—2017 c 4 (Initiative Measure No. 1501): See notes following RCW 9.35.005.

RCW 42.56.650 Health carrier data. (1) Any data submitted by health carriers to the health benefit exchange for purposes of establishing standardized health plans under RCW 43.71.095 are exempt from disclosure under this chapter. This subsection applies to health carrier data in the custody of the insurance commissioner for purposes of consulting with the health benefit exchange under RCW 43.71.095(1).

(2) Any data submitted by health carriers to the health care authority for purposes of RCW 41.05.410 are exempt from disclosure under this chapter. [2019 c 364 s 2.]

RCW 42.56.655 Explosives exemption report. By December 1, 2023, the public records exemptions accountability committee, in addition to its duties in RCW 42.56.140, must prepare and submit a report to the legislature that includes recommendations on whether the exemption created in RCW 42.56.460(2) should be continued, modified, or terminated. No recommendations or action from the committee or the legislature will result in the continuation of the exemption created in RCW 42.56.460(2). [2019 c 125 s 2.]

RCW 42.56.660 Agency employee records. (1) Except by court order issued pursuant to subsection (3) of this section, an agency may not disclose as a response to a public records request made pursuant to this chapter records concerning an agency employee, as defined in subsection (5) of this section, if:

(a) The requestor is a person alleged in the claim of workplace sexual harassment or stalking to have harassed or stalked the agency employee who is named as the victim in the claim; and

(b) After conducting an investigation, the agency issued discipline resulting from the claim of workplace sexual harassment or stalking to the requestor described under (a) of this subsection.

(2)(a) When the requestor is someone other than a person described under subsection (1) of this section, the agency must immediately notify an agency employee upon receipt of a public records request for records concerning that agency employee if the agency conducted an investigation of the claim of workplace sexual harassment or stalking involving the agency employee and the agency issued discipline resulting from the claim.

(b) Upon notice provided in accordance with (a) of this subsection, the agency employee may bring an action in a court of competent jurisdiction to enjoin the agency from disclosing the records. The agency employee shall immediately notify the agency upon filing an action under this subsection. Except for the five-day notification required under RCW 42.56.520, the time for the employing agency to process a request for records is suspended during the pendency of an action filed under this subsection. Upon notice of an action filed under this subsection, the agency may not disclose such records unless by an order issued in accordance with subsection (3) of this section, or if the action is dismissed without the court granting an injunction.

(3)(a) A court of competent jurisdiction, following sufficient notice to the employing agency, may order the release of some or all of the records described in subsections (1) and (2) of this section after finding that, in consideration of the totality of the circumstances, disclosure would not violate the right to privacy under RCW 42.56.050 for the agency employee. An agency that is ordered in accordance with this subsection to disclose records is not liable for penalties, attorneys' fees, or costs under RCW 42.56.550 if the agency has complied with this section.

(b) For the purposes of this section, it is presumed to be highly offensive to a reasonable person under RCW 42.56.050 to disclose, directly or indirectly, records concerning an agency employee who has made a claim of workplace sexual harassment or stalking with the agency, or is named as a victim in the claim, to persons alleged in the claim to have sexually harassed or stalked the agency employee named as the victim and where the agency issued discipline resulting from the claim after conducting an investigation. The presumption set out under this subsection may be rebutted upon showing of clear, cogent, and convincing evidence that disclosure of the requested record or information to persons alleged in the claim to have sexually harassed or stalked the agency employee named as the victim in the claim is not highly offensive.

(4) Nothing in this section restricts access to records described under subsections (1) and (2) of this section where the agency employee consents in writing to disclosure.

(5) For the purposes of this section:

(a) "Agency" means a state agency, including every state office, department, division, bureau, board, commission, or other state agency.

(b) "Agency employee" means a state agency employee who has made a claim of workplace sexual harassment or stalking with the employing agency, or is named as the victim in the claim.

(c) "Records concerning an agency employee" do not include work product created by the agency employee as part of his or her official duties. [2019 c 373 s 2.]

Findings—2019 c 373: "The legislature finds that state agency employees operate in unique work environments in which there is a higher level of transparency surrounding their daily work activities. The legislature finds that we must act to protect the health and safety of state employees, but even more so when employees become the victims of sexual harassment or stalking. The legislature finds that when a state agency employee is the target of sexual harassment or stalking, there is a significant risk to the employee's physical safety and well-being. The legislature finds that workplace safety is of paramount importance and that the state has an interest in protecting against the inappropriate use of public resources to carry out actions of sexual harassment or stalking." [2019 c 373 s 1.]

Effective date—2019 c 373: "This act takes effect July 1, 2020." [2019 c 373 s 6.]

RCW 42.56.665 Agency employee records—Civil liability. (1) Any person who requests and obtains a record concerning an agency employee, as described in RCW 42.56.660, is subject to civil liability if he or she uses the record or information in the record to harass, stalk, threaten, or intimidate that agency employee, or provides the record or information in the record to a person, knowing that the person intends to use it to harass, stalk, threaten, or intimidate that agency employee.

(2) Any person liable under subsection (1) of this section may be sued in superior court by any aggrieved party, or in the name of the state by the attorney general or the prosecuting authority of any political subdivision. The court may order an appropriate civil remedy. The plaintiff may recover up to one thousand dollars for each record used in violation of this section, as well as costs and reasonable attorneys' fees.

(3) For the purposes of this section:

(a) "Agency" means a state agency, including every state office, department, division, bureau, board, commission, or other state agency.

(b) "Agency employee" means a state agency employee who has made a claim of workplace sexual harassment or stalking with the employing agency, or is named as the victim in the claim.

(c) "Record concerning an agency employee" does not include work product created by the agency employee as part of his or her official duties. [2019 c 373 s 3.]

Effective date—Findings—2019 c 373: See notes following RCW 42.56.660.

RCW 42.56.670 Agency employee records—Model policies. By January 1, 2020, the attorney general, in consultation with state agencies, shall create model policies for the implementation of chapter 373, Laws of 2019. [2019 c 373 s 4.]

Effective date—Findings—2019 c 373: See notes following RCW 42.56.660.

RCW 42.56.675 Agency employee records—Lists of names. A state agency may not disclose lists of the names of agency employees, as defined under RCW 42.56.660, maintained by the agency in order to administer RCW 42.56.660. [2019 c 373 s 5.]

Effective date—Findings—2019 c 373: See notes following RCW 42.56.660.

RCW 42.56.680 Residential real property information and borrower personal information. Information obtained by the department of commerce under RCW 61.24.190 that reveals the name or other personal information of the borrower or the street address of the residential real property on which a notice of default was issued is exempt from disclosure under this chapter. [2021 c 151 s 12.]

Effective date—2021 c 151 ss 5, 9, 11, and 12: See note following RCW 61.24.135.

Findings—Intent—2021 c 151: See note following RCW 61.24.005.

RCW 42.56.690 Victim and witness notification program. Information and records related to notification or registration for notification as described in RCW 36.28A.455 are exempt from disclosure under this chapter. [2022 c 82 s 3.]

Effective date—2022 c 82: See note following RCW 72.09.712.

RCW 42.56.692 Victim and witness notification program—Notification enrollment. Information and records prepared, owned, used, or retained by the department of corrections that reveal any notification or request for notification regarding any specific individual, or that reveal the identity, location of, or any information submitted by a person who requests or is invited to enroll for notification under RCW 72.09.712(2) or 72.09.710(1), are exempt from public inspection and copying under this chapter. [2023 c 391 s 2.]

RCW 42.56.695 Intelligent speed assistance devices. *(Effective January 1, 2029.)* Any data collected by an intelligent speed assistance device as defined in RCW 46.04.218 is exempt from disclosure under this chapter. [2025 c 228 s 7.]

Intent—Finding—Short title—Effective date—2025 c 228: See notes following RCW 46.20.760.

RCW 42.56.700 Driver training education course voucher program. Any recipient income data collected by the department of licensing as part of the driver training education course voucher program established under RCW 46.82.480 is exempt from disclosure under this chapter. [2025 c 299 s 12.]

Findings—Intent—2025 c 299: See note following RCW 46.20.1191.

RCW 42.56.705 Pregnancy-related accommodations. *(Effective January 1, 2027.)* (1) Except as provided in subsection (4) of this section, records filed with or maintained by the department of labor and industries that reveal the identity of, or contain any personal information about, an employee or applicant who has filed a complaint, requested assistance, or participated in an investigation under chapter 49.92 RCW are confidential and not open to public inspection.

(2) For the purposes of this section, "personal information" includes, but is not limited to, the individual's name, address, telephone number, electronic contact information, identifying photograph, and any medical or health information related to pregnancy or childbirth.

(3) The department may release statistical or summary data that do not disclose the identity of any individual.

(4) This section does not limit disclosure of information:

(a) To the complainant's employer when necessary for the fair determination of the issues in the investigation;

(b) To public employees in the performance of their official duties;

(c) In a court or administrative proceeding when disclosure is required by law or necessary to the fair determination of the issues; and

(d) To the complainant. [2026 c 76 s 2.]

Effective date—2026 c 76: "This act takes effect January 1, 2027." [2026 c 76 s 3.]

RCW 42.56.900 Purpose—2005 c 274 ss 402-429. The purpose of sections 402 through 429 of this act is to reorganize the public inspection and copying exemptions in *RCW 42.17.310 through 42.17.31921 by creating smaller, discrete code sections organized by subject matter. The legislature does not intend that this act effectuate any substantive change to any public inspection and copying exemption in the Revised Code of Washington. [2005 c 274 s 401.]

***Reviser's note:** The substance of RCW 42.17.310 through 42.17.31921 was recodified in chapter 42.56 RCW. See the Comparative Table in the Table of Disposition of Former RCW Sections.

RCW 42.56.904 Intent—2007 c 391. It is the intent of the legislature to clarify that no reasonable construction of chapter 42.56 RCW has ever allowed attorney invoices to be withheld in their entirety by any public entity in a request for documents under that chapter. It is further the intent of the legislature that specific descriptions of work performed be redacted only if they would reveal an attorney's mental impressions, actual legal advice, theories, or opinions, or are otherwise exempt under chapter 391, Laws of 2007 or other laws, with the burden upon the public entity to justify each redaction and narrowly construe any exception to full disclosure. The legislature intends to clarify that the public's interest in open, accountable government includes an accounting of any expenditure of

public resources, including through liability insurance, upon private legal counsel or private consultants. [2007 c 391 s 1.]