

**CITY OF MONROE**

**ADMINISTRATION POLICIES**

**POLICY SUBJECT:**

**PUBLIC RECORDS ACT POLICY AND  
PROCEDURE**

**REFERENCE NUMBER:**

**2006-003 (Replaces 2004-003)  
Amended 7/1/06**

**EFFECTIVE DATE:**

**September 1, 2006**

**APPROVED:**

\_\_\_\_\_ Mayor

\_\_\_\_\_ City Administrator

**SUBMITTED TO COUNCIL:**

\_\_\_\_\_ N/A

Yes

Resolution #2004/024

Date: 12/15/04 & 9/19/06

**RECEIVED:**

\_\_\_\_\_ Police

\_\_\_\_\_ Human Resources

\_\_\_\_\_ Clerk

\_\_\_\_\_ Engineering

\_\_\_\_\_ Finance

\_\_\_\_\_ Public Works

\_\_\_\_\_ Community Dev.

\_\_\_\_\_ City Attorney

\_\_\_\_\_ Risk Management

\_\_\_\_\_ Parks and Recreation



## 1.0 PURPOSE

The City of Monroe (“the City”) is committed to assisting citizens with access to governmental records. To help facilitate the fullest assistance to citizens, the City has appointed two official Public Records Officers: 1) City Clerk (City Hall) and 2) Police Administrative Manager (Police), or their designee(s).

The City will make all allowable public records available for inspection and/or copying, Monday-Friday; 8 a.m. – 5 p.m.; excluding legal holidays.

## 2.0 KEY TERMS

- A. **Public Record**: 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 the City regardless of physical form or characteristics.
- B. **Writing**: Handwriting, typewriting, printing, photostating (i.e., photocopying), photographing, electronic (including emails) 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.

## 3.0 INDEX OF PUBLIC RECORDS

- A. **Unduly Burdensome**: The Monroe City Council adopted Council Resolution #2004/024 that found that the requirement to index public records is unduly burdensome and such a list is nearly impossible to create and/or maintain. Therefore, the City does not maintain an index.

#### 4.0

### FORM AND MANNER OF REQUEST FOR PUBLIC RECORDS

A. **Requests:** All requests for copies or inspection of public records shall be made in writing and delivered:

1. in person;
2. electronically (email);
3. facsimile; or
4. by mail.

Requests delivered orally or by telephone will not be considered as valid requests.

B. **Method:** When a request for public records is made, the City will provide a *Public Records Disclosure Request Form*. The form is available at City Hall and Police front counters. Citizens may also find the form on the City's website at [www.monroewa.gov](http://www.monroewa.gov). The request may be submitted on the form provided or in another format that includes the following information about the request or the requestor:

1. date and time;
2. name of the requestor;
3. full address;
4. telephone number;
5. email address ( if available);
6. title and date of the records ( if known);
7. location of the record (if known); and
8. whether the requestor intends to inspect the records or to obtain a photocopy of the records.

C. **Public Records Officer:** Requests for public records shall be submitted to:

City Hall Record Requests

Darcy Cheesman  
City of Monroe  
806 West Main Street  
Monroe, WA 98272

**Phone: 360-863-4538**

**Fax: 360-794-4007**

[dcheesman@monroewa.gov](mailto:dcheesman@monroewa.gov)

[www.monroewa.gov](http://www.monroewa.gov)

Police Record Requests

Records Division  
Monroe Police Department  
818 West Main Street  
Monroe, WA 98272

**Phone: 360-794-6300**

**Fax: 360-794-3129**

[ssimonson@ci.monroe.wa.us](mailto:ssimonson@ci.monroe.wa.us)

D. **Identification/Motivation:** The identity and motivation of a person seeking to obtain a copy of a public record is generally not relevant to the determination of whether the record must be disclosed, however, the City will not provide access to lists of individuals for commercial purposes.

## 5.0

### INITIAL RESPONSE TO REQUEST FOR RECORDS

- A. **Review and Delivery:** Upon receipt of the request, the Public Records Officer or designee will:
1. Review the request and determine which department it pertains to; and
  2. Due to our five-day requirement, within one business day of receipt, deliver a copy of the request to the Department Director for response.
- B. **Initial Response:** The Public Records Officer or designee, in conjunction with the Department Director or designee, shall make all initial responses, in writing, to the requestor within five business days of receipt of the request. All requests received after 5 p.m. will be considered to have been received on the next business day. All requests will be date stamped. Depending on the nature of the request, the Public Records Officer or designee may:
1. Copy or provide the record for inspection, subject to any necessary redactions;
  2. Ask the requester to clarify the scope or intent of the request;
  3. Acknowledge the request and provide a reasonable estimate for release. For requests requiring more than a five-day response, a brief explanation of the time necessary to respond shall be included; or
  4. Deny the request including an explanation of the basis for the denial.
- C. **Need for Additional Time:** Additional time to respond to a request may be based upon the need to:
1. Clarify the scope and intent;
  2. Locate, review, and assemble;
  3. Notify third persons or agencies affected (see Section 12); or
  4. Determine whether any of the information is exempt and whether a denial should be made as to all, or part, of the request.
- D. **Routine Requests:** If a request is for documents of a routine nature, that are readily available, and appropriate for immediate release, this will be defined as an “over the counter” request. At the City’s discretion, an attempt may be made to fill the request while the requestor waits.

Each city department may designate within its own department certain over the counter records available to the public for immediate release or inspection without the requirement of a formal request.

Some routine records (i.e., under ten pages) are often made available to the public at no charge and may not require a Records Disclosure Request Form.

## 6.0

### FINAL RESPONSE TO REQUEST

- A. **Response limited to request:** A request is not continuing in nature. The City must only provide access to public records in existence at the time of the request; it is not obligated to supplement responses. Therefore, if a public record is created or comes into the possession of the City after the request is received by the City, it is not responsive to the request and need not be provided. In the event additional records are created after the date of the requestor's original request, the requestor will need to submit a new request.
- B. **Written Response:** The City's response shall be deemed complete and final upon providing a written response by the City to the requestor that will either:
1. confirm the requestor's receipt or inspection of the requested records has been completed;
  2. deny the records request and outline the exemptions for denial;
  3. notify the requestor that the records are available for inspection or production after receipt of any applicable fees; or
  4. close the request due to the requestor's failure to clarify the scope or intent of their request after the City has sought such clarification in writing.

## 7.0

### INSPECTION OF RECORDS

- A. **Availability of Inspections:** In the event a requestor seeks only to inspect the records, the City shall notify the requestor in writing once the records are available for inspection.
- B. **Duration:** Records that have been assembled for inspection shall be made available to the requestor for a period of no more than (30) thirty calendar days. In the event a requestor fails to inspect the entire set of records or one or more of the installments within the given timeframe, the Public Records Officer or designee will stop searching for the remaining records and close the request. The Public Records officer or designee will:
1. send a written response to the requestor informing them that the request has been closed, and
  2. return the records to the originating department.
- C. **Custody:** Due to the potential for loss or damage, all records shall remain in the City's custody. Members of the public may examine records at City Hall or other city owned buildings, but not alter, mark on, destroy an original record during inspection, or remove the physical records from the City.

- D. **Selection:** To select a paper record for copying during an inspection, a requestor must use a nonpermanent method such as a removable adhesive note or paperclip. The City may, in its sole discretion, require City personnel to remain physically present with the requester during the record inspection process.

## 8.0 DISCLOSURE OF RECORDS

- A. **Disclosure:** All public records maintained by the City are available for public inspection unless they are specifically exempted from disclosure by applicable state and federal laws.
- B. **Primary Exemptions:** A listing of the primary exemptions are found at *RCW 42.56.210-480* (a partial list is located in Attachment E). These exemptions are non-inclusive and disclosure of particular information may be required or prohibited by other sources of legal authority. In addition to the above, there are other Washington laws that may prohibit or exempt the disclosure of other classes of information, and informational list of which can also be found in Attachment E.
- C. **Review/Exemptions:** After determining that one or more of the exemptions applies to a particular record or portion, an additional step must be taken in the required disclosure analysis. Records must be reviewed by the public records officer or designee and material that violates a privacy right, or vital government interest, must be identified. The City will provide a redaction log as necessary.
- D. **Redaction:** If a record contains both information that should be disclosed, and some that is exempt from disclosure, the City may redact the exempt information from the record and must disclose the rest (after redaction).
- E. **Written Statement:** If the City refuses to disclose a record or a portion of a record, the City must provide a written statement of the specific exemption relied upon and a brief explanation, including the applicable RCW's, of how the exemption applies to the record withheld.
- F. **Non-Existence:** The City is not required to collect information, to organize data, or to create a record not existing at the time of the request.
- G. **Commercial Purposes:** The City may inquire as to whether a requester is seeking records containing lists of individuals for commercial purposes.
- H. **Website Access to Records:** A variety of records are available on the City of Monroe website at [www.monroewa.gov](http://www.monroewa.gov) .

- I. **Later Discovered Records:** The City has no obligation to search for records responsive to a closed request. The City must only provide access to public records in existence at the time of the request; it is not obligated to supplement responses. Therefore, if a public record is created or comes into the possession of the City after the request is received by the City, it is not responsive to the request and will not be provided unless the requestor makes a new request. However, if a record responsive to the request is discovered after a request has been closed, the City will provide the later-discovered records to the requestor.
- J. **Liability:** No public agency, official, 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 act.

## 9.0 DENIAL OF REQUEST - APPEAL PROCEDURE FOR REVIEW OF DENIED RECORDS

In the event the City denies a request, the requestor may appeal the denial to the City Administrator (City), Police Chief (Police) or their designee. The City Administrator (City), Police Chief (Police), or designee shall be designated to review decisions denying requests. This review will be completed within two business days after the appeal is received. A denial decision is final at the end of the second business day.

## 10.0 DUPLICATION AND TRANSMISSION FEES

- A. Prior to the release of copies of any public record, fees shall be collected according to the City Fees Resolution as outlined below:
1. **Photocopying** (cost includes paper, supplies, actual cost for postage and delivery, including the cost of envelopes).
    - Minimum of \$0.15 cents a page will be charged to the requestor, except police records which are at \$1.50 dollars for first five (5) pages and \$0.15 cents a page thereafter, to be paid prior to the release of the records;
    - Color copies at \$0.50 cents a page.

At the police department's discretion, crime victims may not be charged copying fees.

2. **Duplication of tape recordings**
    - Copies of audio tapes are \$3 dollars each;
    - Copies of videotapes at \$8 dollars each.
    - Copies of CDs at \$TBD each.
    - Copies of DVDs at \$TBD each.
  3. **Staff Time:** The City may not charge for the staff time spent in locating a public record or for making a record available for inspection.
  4. **Over the Counter Requests:** May be made at no charge (see Section 4.0; Section F)
- B. **Partial/Installment Basis:** In complying with the obligation to make requested records available “promptly”, the City may make records available 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.
1. If the City does make a request available on a partial or installment basis, the City will charge for each part of the request as it is provided.
  2. If an installment of a records request is not claimed or reviewed after 30 calendar days, the City is not obligated to fulfill the balance of the request.
  3. The City may require a deposit in an amount not to exceed ten (10) percent of the estimated cost of providing copies for a request.

## 11.0 NOTIFICATION OF AFFECTED PARTIES: INJUNCTIVE ACTION

- A. **Third Party Rights:** When a request seeks disclosure of a particular record containing information regarding other persons, the City may, in its sole discretion, notify said persons in writing and inform them of their right to seek an injunction from the Superior Court enjoining the disclosure. In such circumstances, production of the requested record may be postponed for a reasonable period in order to provide the affected parties with a reasonable opportunity to seek injunctive relief. The City shall honor any order enjoining disclosure of a particular record issued from a court of competent jurisdiction.
- B. **Notice:** The City’s practice is to give affected parties ten (10) business days notice and indicate the deadline date to avoid any confusion. In some cases, more time may be appropriate such as when numerous notices are required.
- C. **Vital Government Interests:** When a request seeks disclosure of a particular record that would substantially and irreparably damage vital government functions of the City or another public agency, the City may, in its sole discretion, obtain an injunction from the Superior Court enjoining such disclosure. In such circumstances, the City shall postpone disclosure

of the requested record until the Superior Court has issued a final ruling concerning the matter.

## 12.0 RECORDS RETENTION

- A. **Retention Schedule:** The City has the obligation to maintain all electronic files and paper records in accordance with the Washington State Archivist Records Retention Schedule.
- B. **Destruction:** If a requested record is scheduled shortly for destruction and the City receives a public records request for it, the record will not be destroyed until the request is resolved.
- C. **Notification:** The City will notify all employees and agents who have control over **requested** documents and files that they should not destroy or otherwise jeopardize the integrity of those documents and files.
- D. **Preservation of Records for Litigation:** Employees must preserve electronic documentation according to the City's Network, Email and Internet Policy 2006-008. The City will designate one individual to take custody or control over protected documents and files during on-going litigation and maintain any additional documents or files, as they are created, if they pertain to on-going litigation and are not protected by Attorney/Client privilege.

## 13.0 ATTACHMENTS

- **ATTACHMENT A:** Records Disclosure Request Form (City and Police)
- **ATTACHMENT B:** Order Regarding Public Records Index; Resolution 2004/024
- **ATTACHMENT C:** Formal Response Letter Template
- **ATTACHMENT D:** Third Party Notification Letter
- **ATTACHMENT E:** RCW 42.56.210-480 and Exemption and Prohibition Statutes Not Listed in Chapter 42.56 RCW

**END OF DOCUMENT**



# RECORDS DISCLOSURE REQUEST FORM

**City of Monroe**  
 806 West Main Street  
 Monroe, WA 98272-2198  
 (360) 794-7400 Fax: (360) 794-4007

**Monroe Police Department**  
 818 West Main Street  
 Monroe, WA 98272  
 (360) 794-6300 Fax (360) 794-3129

**THIS RECORDS DISCLOSURE REQUEST FORM ITSELF CONSTITUTES A PUBLIC RECORD  
 AND IS SUBJECT TO PUBLIC DISCLOSURE UPON REQUEST**

Date of Request:		Time of Request:	
Name of Requestor:			
Full Address:			
Phone Numbers:	Day:	Evening:	Cell:
Email (if available)			

- I wish to have copies/duplicates of the records indicated below.
- I wish to make an appointment to review the records indicated below before copies are made.

<b>The Location of the Requested Record, if known:</b>			
___ Administration/Mayor	___ Admin. Services (HR, Risk Mgmt., Information Technology)	___ Community Development/Building	___ Finance
___ Public Works/Parks	___ Police	___ Engineering	___ Other
<b>Title and Date of the Requested Record, if known:</b>			
Please provide a specific description of the requested records and any additional information that will help us locate them for you as quickly as possible. Failure to provide information sufficient to identify the records may cause delay or constitute grounds for denial of the request.			
<b>Police Requests Only:</b>			
Date of Incident:		Type of Incident:	
Location of Incident:		Name of Person involved in case:	
Your involvement in case	___ Victim ___ Attorney ___ Insurer ___ Subject ___ Witness ___ Other: ___		

By signing below, I:

- signify that I understand that there may be charges for duplication of these specific records. A minimum of \$0.15 per page will be charged to the requestor, except police records which are at \$1.50 for first 5 pages and \$0.15 per page thereafter, to be paid prior to the release of the records (staff time, postage, envelopes);
- understand that requesting records and not paying for the associated costs will mean that I must pay for them before my next request will be released;
- certify that any lists of individuals obtained through this request for public records will not be used for commercial purposes.
- understand that the City may provide records on a partial or installment basis and may charge 10% of the estimated cost of providing copies for a request.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**For Official Use Only**

**Date Received:** \_\_\_\_\_ **Time:** \_\_\_\_\_

How Received: \_\_\_ Counter \_\_\_ Mail \_\_\_ Email \_\_\_ Fax (no phone or oral requests)

Estimation of time necessary to provide a final response to requestor: \_\_\_\_\_ Actual Time Spent: \_\_\_\_\_

Acknowledgement Letter on: \_\_\_\_\_ Date Records Dispersed: \_\_\_\_\_ Reviewed By: \_\_\_\_\_

Items Dispersed: \_\_\_\_\_ Items Denied: \_\_\_\_\_



# ATTACHMENT B

## RESOLUTION 2004/024

### A RESOLUTION STATING THAT THE CITY IS NOT REQUIRED TO MAINTAIN A CURRENT INDEX OF PUBLIC RECORDS

WHEREAS, the City of Monroe recognizes that the ever increasing volume of records that it must maintain would make it impossible to provide such list; and

WHEREAS, the City of Monroe records are diverse, complex and stored in multiple locations and in multiple computer systems, formats, and/or databases, it is unduly burdensome, if not physically impossible, to maintain a central index of records; and

WHEREAS, the City of Monroe has determined that the cost to maintain a current index of public records, in these tight economic times, is not an efficient use of public resources; and

NOW THEREFORE, it is hereby resolved by the City Council of the City of Monroe, Washington,

that the City is not required to maintain a current index of Public Records.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, Washington, at a regular meeting thereof held this 15th day of December, 2004.

CITY OF MONROE, WASHINGTON

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Donnetta Walser, Mayor

ATTEST: APPROVED AS TO FORM:

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Betty King, City Clerk

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Phil Olbrechts, City Attorney

# ATTACHMENT C

## Formal Response Letter Template

Date

Name  
Address  
State, Zip

RE: Public Disclosure Request

Dear

On \_\_\_\_\_, 2006 the City of Monroe received your request dated \_\_\_\_\_, 2006 seeking information described on the attached Records Disclosure Request Form.

The City estimates that the records requested will be compiled, administratively reviewed, copied and available for disclosure by \_\_\_\_\_, 2006.

Any records or portions thereof that are exempt from disclosure under state or federal law will be denied or redacted as appropriate, and the justification for any such denial or redaction will be included within the City's final written response.

Sincerely,

attachment

# ATTACHMENT D

## Third Party Notification Letter Template

Date

Name  
Address  
City, State

RE: Public Disclosure Request

Dear

The City of Monroe has received a request for public records dated \_\_\_\_\_, a copy of which is enclosed with this letter. Under the state Public Records Act, the City must make available for inspection and copying all non-exempt documents responsive to this request.

Some of the requested records contain information concerning you. The City has in good faith attempted to redact from these documents all information expressly exempt from disclosure under state law, and intends to disclose the remaining information by the date noted below. However, RCW 42.56.540 specifically authorizes any person named in a public record to request an injunction from the superior court prohibiting the release of that document. The City of Monroe will honor any such order issued by the Snohomish County Superior Court.

Please be advised that the City will release the records at issue on \_\_\_\_\_, 2006. If you desire to seek a court injunction preventing this disclosure, please retain and consult with your own legal counsel for this purpose. The City of Monroe expresses no opinion regarding the probability of success regarding any attempted injunctive action.

Sincerely,

# ATTACHMENT E

## RCW 42.56

### Certain personal and other records exempt. (As of July 1, 2006)

The following **examples** are exempt from public inspection and copying (**list not all inclusive**):

#### 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) 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;
- (3) 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](#), or [84.40.340](#) or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer; and
- (4) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

#### 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](#); copies of license applications or information on the applications may be released to law enforcement or corrections agencies; and
- (5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.

## **RCW 42.56.250**

### **Employment and licensing.**

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

- (1) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination;
- (2) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;
- (3) The residential addresses or residential telephone numbers of employees or volunteers of a public agency that are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency;
- (4) Information that identifies a person who, while an agency employee: (a) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter [49.60](#) RCW against the person; and (b) requests his or her identity or any identifying information not be disclosed;
- (5) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter [49.60](#) RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment; and
- (6) Except as provided in RCW [47.64.220](#), salary and employee benefit information collected under RCW [47.64.220](#)(1) and described in RCW [47.64.220](#)(2).

## **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](#) or (b) highway construction or improvement as required by RCW [47.28.070](#);
- (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 [43.163](#), [43.160](#), [43.330](#), and [43.168](#) RCW, 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) 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 liquor license, gambling license, or lottery retail license;

(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 for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW [41.05.011](#); and

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW [43.330.050](#)(8) and [43.330.080](#) (4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development 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;

(b) When developed by the department of community, trade, and economic development 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 sixty days to the department of community, trade, and economic development 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.

#### **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.

#### **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.

**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](#) that a court has determined are confidential under RCW [80.04.095](#);

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

(3) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service; however, these records 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 and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this 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, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety;

(6) Records of any person that belong to a public utility district or a municipally owned electrical utility, unless the law enforcement 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 subsection is inadmissible in any criminal proceeding; and

(7) 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](#).

# Exemption and Prohibition Statutes Not Listed in Chapter 42.56 RCW

## **RCW 42.56.070 (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.

Some of the exemptions and prohibitions on the list concern public record information that may not be relevant for your jurisdiction. For instance, cities would not normally have records regarding marriage license applications or adoption records.

## **Washington State Statutes**

Citation Records

RCW 2.64.111	Documents regarding discipline/retirement of judges
<b>RCW 2.64.113</b>	<b>Confidentiality violations</b>
RCW 4.24.550	Information on sex offenders to public
<b>RCW 5.60.060</b>	<b>Privileged communications</b>
RCW 5.60.070	Court ordered mediation records
RCW 7.68.140	Victims' compensation claims
<b>RCW 7.69A.030(4)</b>	<b>Child victims and witnesses – protection of identity</b>
<b>RCW 7.69A.050</b>	<b>Rights of child victims and witnesses – addresses</b>
RCW 7.75.050	Records of Dispute Resolution Centers
RCW 9.51.050	Disclosing transaction of grand jury
RCW 9.51.060	Disclosure of grand jury deposition
RCW 9.02.100	Reproductive privacy
RCW 9A.82.170	Financial institution records – wrongful disclosure
RCW 10.27.090	Grand jury testimony/evidence
RCW 10.27.160	Grand jury reports – release to public only by judicial order
RCW 10.29.030	Organized crime special inquiry judge Citation Records Public Records Disclosure 56
RCW 10.29.090	Records of special inquiry judge proceedings
<b>RCW 10.52.100</b>	<b>Records identifying child victim of sexual assault</b>
RCW 10.77.210	Records of persons committed for criminal insanity
<b>RCW 10.97.040</b>	<b>Criminal history information released must include disposition</b>
<b>RCW 10.97.050</b>	<b>Conviction and criminal history information</b>
<b>RCW 10.97.060</b>	<b>Deletion of certain criminal history record information, conditions</b>
<b>RCW 10.97.070</b>	<b>Disclosure of identity of suspect to victim</b>
<b>RCW 10.97.080</b>	<b>Inspection of criminal record by subject</b>
RCW 13.32A.090	Crisis residential centers notice to parent about child
RCW 13.34.115	Court dependency proceedings
RCW 13.40.217	Juveniles adjudicated of sex offenses – release of information
RCW 13.50.010	Maintenance of and access to juvenile records
RCW 13.50.050	Juvenile offenders
RCW 13.50.100	Juvenile/children records not relating to offenses
RCW 13.60.020	Missing children information
RCW 13.70.090	Citizen juvenile review board – confidentiality
RCW 18.04.405	Confidentiality of information gained by CPA
RCW 18.19.060	Notification to clients by counselors
RCW 18.19.180	Confidential communications with counselors
RCW 19.215.020	Destruction of personal health and financial information
RCW 19.215.030	Compliance with federal rules
RCW 26.04.175	Name and address of domestic violence victim in marriage records
RCW 26.12.170	Reports of child abuse/neglect with courts

RCW 26.23.050	Child support orders
RCW 26.23.120	Child support records
RCW 26.26.041	Uniform Parentage Act – protection of participants
RCW 26.26.450	Confidentiality of genetic testing
RCW 26.33.330	Sealed court adoption records
RCW 26.33.340	Agency adoption records Citation Records 57 Public Records Disclosure
RCW 26.33.343	Access to adoption records by confidential intermediary
RCW 26.33.345	Release of name of court for adoption or relinquishment
RCW 26.33.380	Adoption – identity of birth parents confidential
RCW 26.44.010	Privacy of reports on child abuse and neglect
RCW 26.44.020(19)	Unfounded allegations of child abuse or neglect
RCW 26.44.030	Reports of child abuse/neglect
RCW 26.44.125	Right to review and amend abuse finding – confidentiality
RCW 27.53.070	Records identifying the location of archaeological sites
RCW 29.04.100	Voter registration records – place of registration confidential
RCW 29.07.130	Voter registration records – certain information exempt
<b>Chapter 40.14 RCW</b>	<b>Preservation and destruction of public records</b>
RCW 42.23.070(4)	Municipal officer disclosure of confidential information prohibited
RCW 42.41.030(7)	Identity of local government whistleblower
RCW 42.41.045	Traffic accident reports
RCW 46.52.080	Non confidentiality disclosure of protected information (whistleblower)
RCW 46.52.083	Traffic accident reports – available to interested parties
RCW 46.52.120	Traffic crimes and infractions – confidential use by police and courts
RCW 46.52.130(2)	Abstract of driving record
RCW 48.62.101	Local government insurance transactions – access to information
RCW 50.13.060	Access to employment security records by local government agencies
RCW 50.13.100	Disclosure of non identifiable information or with consent
<b>RCW 51.28.070</b>	<b>Worker's compensation records</b>
RCW 51.36.060	Physician information on injured workers
RCW 60.70.040	No duty to disclose record of common law lien
RCW 68.50.105	Autopsy reports
RCW 68.50.320	Dental identification records – available to law enforcement agencies
Chapter 70.02 RCW	Medical records – access and disclosure – entire chapter (HC providers)
RCW 70.05.170	Child mortality reviews by local health departments Citation Records Public Records Disclosure 58
RCW 70.24.022	Public health agency information regarding sexually transmitted disease investigations - confidential
RCW 70.24.024	Transcripts and records of hearings re: sexually transmitted diseases
RCW 70.24.105	HIV/STD records
RCW 70.28.020	Local health department TB records – confidential
RCW 70.48.100	Jail records and booking photos
RCW 70.58.055	Birth certificates – certain information confidential
RCW 70.58.104	Vital records, research confidentiality safeguards
RCW 70.96A.150	Alcohol and drug abuse treatment programs
RCW 70.123.075	Client records of domestic violence programs
RCW 70.125.065	Records of rape crisis centers in discovery
RCW 71.05.390	Information about mental health consumers
RCW 71.05.395	Ch. 70.02 RCW applies to mental health records
RCW 71.05.400	Information to next of kin or representative
RCW 71.05.425	Notice of release or transfer of committed person after offense dismissal
RCW 71.05.427	Information that can be released
RCW 71.05.430	Statistical data
RCW 71.05.440	Penalties for unauthorized release of information
RCW 71.05.445	Release of mental health information to Dept. of Corrections
RCW 71.05.620	Authorization requirements and access to court records
RCW 71.05.630	Release of mental health treatment records
RCW 71.05.640	Access to treatment records
RCW 71.05.650	Accounting of disclosures
RCW 71.24.035(5)(g)	Mental health information system – state, county and regional support networks – confidentiality of client records

RCW 71.34.200	Mental health treatment of minors – records confidential
RCW 71.34.210	Court records for minors related to mental health treatment
RCW 71.34.225	Release of mental health services information
RCW 71A.14.070	Records regarding developmental disability – confidentiality
RCW 72.09.345	Notice to public about sex offenders Citation Records 59 Public Records Disclosure
RCW 72.09.585(3)	Disclosure of inmate records to local agencies – confidentiality
RCW 74.04.060	Applicants and recipients of public assistance
RCW 74.04.520	Food stamp program confidentiality
RCW 74.09.900	Medical assistance
RCW 74.13.121	Financial information of adoptive parents
RCW 74.13.280	Children in out of home placements confidentiality
RCW 74.20.280	Child support enforcement – local agency cooperation, information
RCW 74.34.095	Abuse of vulnerable adults confidentiality of investigations and reports
RCW 82.32.330	Disclosure of tax information
RCW 84.36.389	Confidential income data in property tax records held by assessor
RCW 84.40.020	Confidential income data supplied to assessor regarding real property

### **Selected Federal Confidentiality Statutes and Rules**

20 USC § 1232g Family Education Rights and Privacy Act	42 USC 290dd-2 Confidentiality of Substance Abuse Records
42 USC 405(c)(2)(vii)(I) Limits on Use and Disclosure of Social Security Numbers.	42 USC 654(26) State Plans for Child Support
42 USC 671(a)(8) State Plans for Foster Care and Adoption Assistance	42 USC 1396a(7) State Plans for Medical Assistance
7 CFR 272.1(c) Food Stamp Applicants and Recipients	34 CFR 361.38 State Vocational Rehabilitation Services Programs
42 CFR Part 2 (2.1 - 2.67) Confidentiality of Alcohol and Drug Abuse Patient Records	42 CFR 431.300 - 307 Safeguarding Information on Applicants and Recipients of Medical Assistance
42 CFR 483. 420 Client Protections for Intermediate Care Facilities for the Mentally Retarded Programs	42 CFR 5106a(b)(2)(A) Grants to States for Child Abuse and Neglect Prevention and Treatment
45 CFR 160-164 HIPAA Privacy Rule	