

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
PACIFIC COUNTY, WASHINGTON

RESOLUTION NO. 2015-020

IN THE MATTER OF AMENDING THE  
PACIFIC COUNTY PUBLIC RECORDS POLICY

**WHEREAS**, RCW 42.56, the Washington State Public Disclosure Act requires that public agencies publish rules in order to provide full public access to public records; and

**WHEREAS**, legislation was passed in 2005 which directed the State Attorney General to develop and adopt model rules on public records compliance that "will establish a culture of compliance among agencies and a culture of cooperation among requestors by standardizing best practices throughout the state," and

**WHEREAS**, Chapter 44-14 WAC Public Records Act-Model Rules has been formally adopted and as of July 1, 2006, the Act is known as the "Public Records Act" and has been codified in Chapter 42.56 RCW, and

**WHEREAS**, the Pacific County Public Records Procedures Policy was adopted by Resolution No. 2014-004 on January 28, 2014; and

**WHEREAS**, there is a need to update the policy pertaining to receiving, processing and fulfilling public records requests.

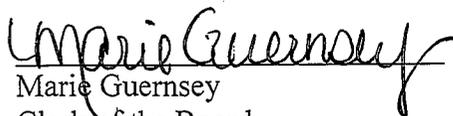
**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of Pacific County Commissioners that the Pacific County Public Records Procedures Policy is hereby amended and attached (Attachment A) to this resolution, and

**BE IT FURTHER RESOLVED** that Resolution No. 2014-004 is hereby rescinded and any other conflicting resolutions, and the effective date of this resolution shall be the date of passage.

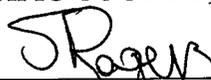
**PASSED** by the following vote this 14<sup>th</sup> day of April, 2015 by the Board of Pacific County Commissioners, meeting in regular session at South Bend, Washington then signed by its membership and attested to by its Clerk in authorization of such passage.

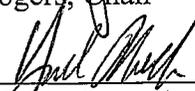
3 YEA; 0 NAY; 0 ABSTAIN 0 ABSENT

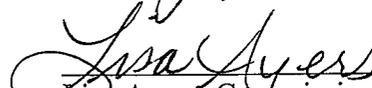
ATTEST:

  
Marie Guernsey  
Clerk of the Board

BOARD OF COUNTY COMMISSIONERS  
PACIFIC COUNTY, WASHINGTON

  
Steve Rogers, Chair

  
Frank Wolfe, Commissioner

  
Lisa Ayers, Commissioner

**ATTACHMENT A**  
**PACIFIC COUNTY**  
**PUBLIC RECORDS POLICY**

Section 1	Purpose
Section 2	Interpretation and Construction
Section 3	Public Records Available
Section 4	Exempt Records
Section 5	Authority, Responsibility, and Obligations
Section 6	Public Records Requests-How Made
Section 7	Inspection of Public Records
Section 8	Response to Public Records Requests
Section 9	Resources Devoted to Public Records
Section 10	Copying and Mailing Fees
Section 11	Protection of Public Records
Section 12	Records Scheduled for Destruction
Section 13	Searching Public Records - Back-up and Security Copies
Section 14	Review of Denied Public Records Requests
Section 15	Electronic Information
Section 16	Resolution/Policy Available to Public
Section 17	Disclaimer of Liability
Section 18	Revised Code of Washington 42.56

**Section 1 Purpose**

The purpose of the Public Records Act is to provide the public with full access to information concerning the conduct of government, being mindful of individuals' privacy rights and the desirability of efficient administration of government. The Public Records Act provides a statutory framework by which to administer access to public records

The purpose of establishing this policy is to provide a method by which County staff will review and respond to requests for public records within the Public Records Act framework.

This policy does not apply to the courts. It also does not apply to public records of the State of Washington, such as the records of the Administrative Office of the Courts (AOC), the Washington State Patrol (WSP), the Department of Licensing (DOL) and the Department of Corrections (DOC), that may be available to the County's employees by virtue of digital connectivity.

**Section 2 Interpretation and Construction**

The provisions of this policy shall be construed to promote full access to the County's public records in order to assure continuing public confidence in government: provided, that when making public records available the County shall prevent invasions of privacy, shall protect public records from damage or disorganization, and shall prevent excessive interference with essential government functions. (RCW 42.56.100)

### **Section 3 Public Records Available**

In accordance with RCW 42.56.080 public records shall be available for inspection and copying, and the County 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. The County shall not deny a request for identifiable public records solely on the basis that the request is overbroad. The County 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(9) [or to determine whether another statute] exempts or prohibits disclosure of specific information or records. The County facilities shall be made available to any person for the copying or inspecting of public records except when and to the extent that this would unreasonably disrupt the operations of the County. The County shall honor requests for identifiable public records unless exempted by Chapter RCW 42.56 or another law.

### **Section 4 Exempt Records**

The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any other statute exempts or prohibits disclosure. Requestors should take note that there are many exemptions outside of the Public Records Act that may restrict the availability for inspection or release of some documents. Many such exemptions are listed in Attachment D of this policy. This list is for informational purposes only and failure to list an exemption shall not affect the efficacy of any exemption. This list shall be augmented with the latest version provided by Municipal Research and Services Center of Washington.

The County is prohibited by statute from disclosing lists of individuals for commercial purposes. (RCW 42.56.070(9)).

### **Section 5 Authority, Responsibility, and Obligations**

#### **Public Records Officers Authority**

- A. Public Records Officers should serve as the point of contact for members of the public who request disclosure of public records. Public Records Officers will provide assistance to requestors, reasonably ensure that public records are protected from damage or disorganization, and prevent fulfilling public records requests from causing excessive interference with essential function of Pacific County. Public Records Officers may delegate the responsibilities of processing requests to other staff.
- B. The Clerk of the Board of County Commissioners is the Public Records Officer for the Board of County Commissioners, Department of Public Works, Department of Community Development, Department of Public Health and Human Services, Department of General Administration, Pacific County Fair, WSU Cooperative Extension, and Vegetation Management. This also includes all boards and commissions appointed by and reporting to the Board of County Commissioners and all funds administered by the Board of County Commissioners.
- C. Unless otherwise designated by an elected official, each elected official is the Public Records Officer for the offices of the Sheriff, Assessor, Auditor, Treasurer, Prosecutor, Clerk of Superior Court, and District Court Judges.

## County Staff Responsibility

- A. All county staff are responsible for assisting in identifying responsive records and facilitating thorough collection of records.
- B. The County will provide training to county staff regarding their obligations under the Public Records Act, including the responsibility of all employees to retain records according to the relevant retention schedule (RCW 42.56.152).
- C. For most county staff, producing records in response to records requests is a responsibility assigned in addition to their primary assigned duties and functions. County staff, other than Public Records Officers, will expend no more than ten hours per month devoted to records production.

## Requestors Obligations

- A. **Reasonable notice that request is for public records.** A requestor must give the County reasonable notice that the request is being made pursuant to the act. Requestors are encouraged to cite or name the act but are not required to do so. A request using the terms "public records," "public disclosure," "FOIA," or "Freedom of Information Act" (the terms commonly used for federal records requests) should provide the County with reasonable notice in most cases. A requestor should not submit a "stealth" request, which is buried in another document in an attempt to trick the agency into not responding.
- B. **Identifiable record.** A requestor must request an "identifiable record" or "class of records" before an agency must respond to it. RCW 42.17.270/42.56.080 and 42.17.340(1)/42.56.550(1). An "identifiable record" is one that County staff can reasonably locate. The act does not allow a requestor to search through County files for records which cannot be reasonably identified or described to the County. Public records requests are not interrogatories. The County is not required to conduct legal research for a requestor. When a request uses an inexact phrase such as all records "relating to" a topic (such as "all records relating to the property tax increase"), the County may interpret the request to be for records which directly and fairly address the topic. If the County receives a "relating to" or similar request, it should seek clarification of the request from the requestor.
- C. **"Overbroad" requests.** The County cannot "deny a request for identifiable public records based solely on the basis that the request is overbroad." RCW 42.17.270/42.56.080. However, if such a request is not for identifiable records or otherwise is not proper, the request can still be denied. When confronted with a request that is unclear, the County should seek clarification.

## Section 6 Public Records Requests – How Made

- A. Public records may be inspected and/or copies may be obtained under the following procedures:
  - 1) A request for public records shall be directed to the Public Records Officer for the office or department having custody or control of the requested records. If the location of records is unknown, then the request may be made to the Public Records Officer for the Board of Pacific County Commissioners.
  - 2) Requests for public records can be initiated in person, by mail, e-mail, fax, over the phone, or hand delivered to the respective Public Records Officer for which the request is being made (See Section 6). Requestors are encouraged to use Pacific County's Public Records Center at <http://www.co.pacific.wa.us/Public-Records/index.htm>. Requests may be submitted on the Records Request Form (Attachment C) included in this policy.

- 3) If a public records request is made to county staff, other than in writing, they should memorialize the request by completing the Records Request Form (Attachment A), notifying the Public Records Officer or Public Records Coordinator, or entering the request directly into the Public Records Center, if possible.
- B. A request for public records should include the following:
- 1) The requestor's name, mailing address, and telephone number;
  - 2) The date of the request;
  - 3) A clear indication that the document is a "Public Records Request;"
  - 4) Whether the request is to inspect the public records or for copies of public records if known, or both;
  - 5) A clear description of the public records requested for inspection and/or copying and the office or department having custody of the public records if known; and
  - 6) If the request is for a list of individuals, the requestor shall declare, in writing, under penalty of perjury pursuant to the laws of the State of Washington (RCW 42.56.070(9)), that the list will not be used for commercial purposes. The requestor also must acknowledge that they are solely responsible for any consequences or damages arising from any commercial use of the list of individuals they are requesting.
  - 7) Records requests may only encompass existing records. They cannot be used to obtain copies of records not yet in existence or in the possession of the County.
- C. If an elected official or department maintains indexed records specifically for public inspection and copying, the Public Records Officer may permit inspection and copying in response to an oral request. However, the Public Records Officer may require a written request if the request is for, or the response may include, any of the following:
- 1) A list of individuals;
  - 2) Categorical requests not identifying a specific public record;
  - 3) Subjects pertaining to current, threatened or potential litigation;
  - 4) More than 50 pages of documents;
  - 5) Reproduction of oversized documents such as maps, surveys, large format photographs or color reproduction; or
  - 6) Public records or information exempt from disclosure.
- D. Requests for inspection or copying of public records maintained by an agency of the State of Washington or another government agency must be made to such agency and will be subject to that agency's rules and regulations, including required forms and fees.

## **Section 7      Inspection of Public Records**

Public records shall be inspected at the offices of the elected official or department having custody or control of the records. Public records shall be available for inspection during customary office hours (RCW 42.56.100).

Public Records Officers may request that the person seeking to inspect public records schedule an appointment for inspection.

## **Section 8 Response to Public Records Requests**

- A. Mindful of the requirements of RCW 42.56.100, to the extent reasonably possible, the requests will be processed in the order allowing the most requests to be fulfilled/completed in the most efficient manner.
- B. Within five business days (day one is the first working day after the request is received) of receiving a public record request the Public Records Officer must respond by (1) providing the record; (2) providing an internet address and link on the County's web site to the specific records requested, except that if the requestor notifies the County that he or she cannot access the records through the internet, then the County must provide copies of the record or allow the requestor to view copies using a County computer; (3) acknowledging that the County has received the request and providing a reasonable estimate of the time the County will require to respond to the request; or (4) denying the public record request.  
(RCW 42.56.520)
- C. In order to provide a reasonable estimate of time to fulfill the request, requests should be categorized as indicated in Attachment B to this policy. However, requests that require immediate response in the interest of public safety (imminent danger), shall take priority over all other requests. The response letter should include language along the lines of the following statement: "We anticipate it may take up to \_\_\_ business days to fulfill this request".
- D. In acknowledging receipt of a public records request that is unclear, the County may ask the requestor to clarify the information they are seeking. If the requestor fails to clarify an unclear request, the County need not respond to it further (RCW 42.56.520). If the requestor does not respond within thirty (30) days of the clarification request, the County will send a letter to the requestor indicating the request has been abandoned.
- E. If the Public Records Officer does not respond in writing within five working days after receipt of a request for public records, the requestor shall be entitled to request review by either the Public Record Officer's elected official or department head or by the Prosecuting Attorney.
- F. If the estimated time required to fulfill the request is believed to be unreasonable by the requestor, the requestor may then ask the appropriate elected official, department head or the Prosecuting Attorney to review the estimate of time.
- G. When a request for public records is received that concerns a subject known to involve litigation or an investigation that may be threatened, anticipated or pending, the Public Records Officer should promptly notify the County Prosecuting Attorney of the request
- H. If requested records contain information that may affect the rights of others, would clearly not be in the public interest and would substantially and irreparably damage any person, (including current or past Pacific County employees) and/or may be exempt from disclosure, the Public Records Officer or designee may, prior to providing the records, give notice to the affected third person(s) (RCW 42.56.540).

**Notice to affected third parties.** The affected third party can file an action to obtain an injunction to prevent an agency from disclosing the requested records, but the third party must prove the record, or portion of it, is exempt from disclosure.  
RCW 42.17.330/42.56.540.

The notice to the affected third party should provide a minimum of fifteen (15) days to obtain an injunction. (RCW 42.56.520) and the deadline date will be provided to avoid any confusion. When a notice is provided, the notice period is to be included in the "reasonable estimate" provided to the requestor.

The notice should inform the third party that release will occur on the stated date unless an order is obtained from Superior Court enjoining release. The requestor has an interest in any legal action to prevent the disclosure of the records requested. Therefore, the notice should inform the third party that they should name the requestor as a party to any action to enjoin disclosure. If an injunctive action is filed, the third party should name the requestor as a party or, at a minimum, must inform the requestor of the action to allow the requestor to intervene.

If an order preventing disclosure is sought, the records request shall be placed on hold until the Superior Court decides the matter.

### **Section 9 Resources Devoted to Public Records**

- A. The resources currently allocated to public disclosure response are established as the initial level of effort necessary to ensure that public disclosure response is not creating excessive interference with essential county government functions.
- B. The county does not intend every employee to expend ten hours per month responding to records requests. The limitation in Section 5. County Staff Responsibilities(C) of up to ten hours per month for those county employees for whom responding to records requests is not among their primary assigned duties is not an allocation of all resources available that may be for public records responses.

### **Section 10 Copying and Mailing Fees**

- A. Disallowed Charges
  - 1) No fee will be charged for the inspection of a public record.
  - 2) No fee will be charged for locating public records in response to a request and making the records available for inspection or copying.
  - 3) No fee will be charged for searching for public records, redacting portions of a record which are exempt from disclosure, or preparing an index of exempt documents.
- B. Allowed Charges
  - 1) A reasonable fee will be charged to reimburse the County for the costs of providing copies. The fee for copying may be waived for a single request if the expense of processing the payment exceeds the costs of providing the copies. In general, costs may be waived if a single request involves less than 50 pages or is \$5.00 or less in total.
  - 2) A reasonable fee shall be charged to reimburse the County for the cost of delivering copies of public records to a requestor, including the cost of packaging the copies for delivery and the actual cost of postage or delivery.

- 3) Any request for which the response will be more than 50 pages of documents, oversized documents, color photographs or reproductions, recordings and computer disks may be sent to a private copying service for copying, in which case the copying fee shall be the actual charge imposed for copying, applicable taxes and shipping costs and shall include staff time (including benefits) for travel and mileage at the current rate set by WA State Office of Financial Management.

The fee for searching records, research, and/or providing a copy of a public record may be set by statute. Staff time includes the employees hourly rate plus benefits. Unless a fee is fixed by another federal, state or county ordinance/resolution, the following fee schedule is applicable:

8.5" x 14" page or less	\$0.15/page
CD's w/ protective case	\$1.00
▪ (plus the actual cost of staff time necessary for loading records onto the CD)	
Fax (8.5" x 11" only)	Actual cost
Postage	Actual cost
Boxes	Actual cost
Envelopes	Actual cost
Copying Service	Actual cost
Creation of Electronic records	Actual cost of staff time
▪ Document preparation for scanning; scanning and loading electronic records into an e-mail	

- C. The Public Records Officer may require a deposit of up to 10% before copying requested public records. (RCW 42.56.120)
- D. If records are provided on an installment basis, the Public Records Officer may charge and collect all applicable copying fees (not limited to the ten percent deposit) for each installment. (RCW 42.17.300/42.56.120) The Public Records Officer may also require that copying and delivery fees be paid in full prior to the release of the final installment of records.
- E. Payment may be made by cash, check or money order made payable to Pacific County.
- F. If an installment of a records request is not claimed or reviewed, the County is not obligated to fulfill the balance of the request. (RCW 42.56.120) However, the County will provide thirty days from the date of mailing for the Requestor to claim or review the records. If the request is not claimed or reviewed within the given time frame, the County may close the file and notify the requestor.

### **Section 11 Protection of Public Records**

Each Public Records Officer should, to the extent practical, insure that records requested are not misplaced or misfiled by members of the public during inspections and not removed from a County office/department. Original public records shall not be released to the public for any purpose.

## **Section 12 Records Scheduled for Destruction**

All Public Records Officers, county officials and employees should follow the County's Records Retention Policy (Resolution 2013-051).

If a public record request is made at a time when a record exists, but the record is scheduled for destruction in the near future, the record should be retained until the request is resolved.

## **Section 13 Searching Public Records-Back-up and Security Copies**

In order to prevent excessive interference with essential functions of the County, Public Records Officers should not search backup or security systems for copies of public records when the originals of such records have been identified, located and are available for inspection and/or copying.

## **Section 14 Review of Denied Public Records Request**

- A. **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the Prosecuting Attorney for a review of that decision. The petition shall include a copy of, or reasonably identify, the written statement by the public records officer or designee denying the request.
- B. **Consideration of petition for review.** The Prosecuting Attorney should immediately consider the petition and either affirm or reverse the denial in a prompt fashion following the County's receipt of the petition.
- C. **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550.

## **Section 15 Electronic Information**

- A. The County produces and maintains data in electronic records to maximize efficiency in fulfilling its basic public service functions. These electronic records relate to the operation and conduct of County government.
- B. Electronic records are public records subject to disclosure under the Public Records Act and this policy, unless exempt from disclosure under state or federal law.
- C. At the option of the Public Records Officer, electronic records may be printed and provided in paper format. If the electronic record is large and/or not capable of being printed in an understandable format, then the electronic record may be provided in the digital format in which the record is maintained by the County. The County is not obligated to convert an electronic record to a digital format that is different than the format maintained by the County.
- D. Fees for providing electronic records in electronic form shall be based on the actual cost of the media used to provide the records and staff time (plus benefits) to prepare the information onto the media.

- E. The County has no obligation to create custom electronic products by acquiring data, running custom queries, programming software, testing models, reformatting data, or configuring a product in order to respond to a specific request.

**Section 16 Resolution and Policy Available to Public**

A copy of the Resolution adopting the policy, as well as the policy should be made available to the public, without cost, at each County office and/or department.

**Section 17 Disclaimer of Liability**

Neither the County nor any officer, employee, official or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of Public Records if the person releasing acted in good faith in attempting to comply with this policy. (RCW 42.56.060)

This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Nothing in this policy is intended to impose mandatory duties on the County beyond those imposed by state and federal law.

**Section 18 Revised Code of Washington 42.56**

Chapter 42.56 of the Revised Code of Washington can be found on the Washington State Legislature's web page at <http://apps.leg.wa.gov/RCW/default.aspx?cite=42.56>

## PUBLIC RECORDS REQUEST CATEGORICAL GUIDELINES

**CATEGORY APPROXIMATE RESPONSE TIME**Category 1 Up to 30 business days

- o Routine or readily filled requests for easily identified and immediately accessible records and does not include an e-mail search

Category 2 Up to 90 business days/or more if needed

Routine requests that involve:

- o Large number of records
- o Records not easily identified, located and accessible
- o Number of departments/offices involved
- o E-mail search request \*

Category 3 Up to 120 business days/or more if needed

Requests that are complex and may be especially broad or vague that involve:

- o Large number of records
- o Records not easily identified, located and accessible
- o Research by county staff
- o Number of departments/offices involved
- o E-mail search request \*
- o Review by Public Records Officer/Alternate whether any of the records are exempt

Category 4 Up to 180 business days/or more if needed

Requests that are complex and may be especially broad or vague which involve:

- o Large number of records
- o Records not easily identified, located and accessible
- o Research by county staff
- o Number of departments/offices involved
- o E-mail search request \*
- o Third party notification
- o Review by public records officer/alternate whether any of the records are exempt
- o Need for legal review

**Response times may fall outside of these categorical timelines depending upon search conditions, as well as the number and complexity of other open requests.**

**\* If an e-mail search is requested, the estimated response time or time extension should consider the following:**

- a. Time frame requested
- b. Number of e-mail boxes to search
- c. Number of search terms
- d. Computer Services availability to retrieve e-mails
- e. Number of e-mails retrieved
  - i. Estimated time for review of all e-mails
  - ii. Number of potential redactions and redaction log
  - iii. Possible legal review
  - iv. Possible 3<sup>rd</sup> party notification



PACIFIC COUNTY

1216 W. Robert Bush Drive/P O Box 187 South Bend, WA 98586
(360) 875-9337 / (360) 642-9337 / (360) 484-7337 / (360) 267-8337
TDD: (360) 875-9400 / FAX: (360) 875-9335

REQUEST #

PUBLIC RECORDS REQUEST FORM

Requestor: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

Do you wish to:  Inspect the records  Receive copies; willing to pay up to the amount indicated: \$ \_\_\_\_\_

RECORDS REQUESTED: Please describe the SPECIFIC records you are requesting and any additional information that will help us locate said records (dates, names, etc.) RCW 42.56.520 requires that response/action on a request for public records must be taken within five (5) business days. (Please attach and sign pages if additional space is needed)

Parcel #: \_\_\_\_\_ Legal Description : \_\_\_\_\_

Property Owner(s): \_\_\_\_\_

I understand that Washington State Law (RCW 42.56.070(9)) prohibits the use of lists of individuals for commercial purposes. If applicable to this request, I hereby declare, under penalty of perjury pursuant to the laws of the State of Washington, that I will not use the list of individuals obtained from this request for commercial purposes. If applicable, I also acknowledge that I am solely responsible for any consequences or damages arising from my commercial use of the list of individuals I am obtaining.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Place of Signing: \_\_\_\_\_

FOR OFFICIAL USE ONLY

Date Received: \_\_\_\_\_ Response Required by: \_\_\_\_\_

Request forwarded to: \_\_\_\_\_ Date forwarded: \_\_\_\_\_

Action Taken

- Pacific County Public Records Request Policy provided, date: \_\_\_\_\_
 Approved; request fulfilled. Notified Requestor records are available and where. If copies requested and payment or deposit on payment has been made; date copies mailed/delivered: \_\_\_\_\_
 Request to be denied; IMMEDIATELY forward to Prosecuting Attorney for review.
 Record partially withheld. Notified Requestor with reason for partial withholding listing exemption(s) cited. Copy of letter attached.
 Evaluation necessary. Estimate \_\_\_\_\_ days needed for final response. Notified Requestor. Copy of letter attached.
 Clarification needed from Requestor. Contacted for clarification & notified of revised estimate of when records will be available. Copy of letter attached.
 DENIAL APPROVED: Department to notify Requestor by mail of reasons for denial.

ACTION RECOMMENDED BY PROSECUTING ATTORNEY

Comment: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Exemption and Prohibition Statutes

## Not Listed in Chapter 42.56 RCW

## As provided by Municipal Research and Services Center of Washington

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.

**Citation****Records**

RCW 2.64.111	Documents regarding discipline/retirement of judges
RCW 2.64.113	Confidentiality - violations
RCW 4.24.550	Information on sex offenders
RCW 5.60.060	Privileged communications
RCW 5.60.070	Court-ordered mediation records
RCW 7.68.140	Victims' compensation claims
RCW 7.69A.030(4)	Child victims and witnesses – protection of identity
RCW 7.69A.050	Rights of child victims and witnesses – addresses
RCW 7.75.050	Records of Dispute Resolution Centers
RCW 9.02.100	Reproductive privacy
RCW 9A.82.170	Financial institution records – wrongful disclosure
RCW 9.51.050	Disclosing transaction of grand jury
RCW 9.51.060	Disclosure of grand jury deposition
RCW 9.73.090(1)(c)	Prohibition regarding specified emergency response personnel recordings
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
RCW 10.29.090	Records of special inquiry judge proceedings
RCW 10.52.100	Records identifying child victim of sexual assault
RCW 10.77.210	Records of persons committed for criminal insanity
RCW 10.97.040	Criminal history information released must include disposition
RCW 10.97.050	Conviction and criminal history information
RCW 10.97.060	Deletion of certain criminal history record information, conditions
RCW 10.97.070	Disclosure of identity of suspect to victim
RCW 10.97.080	Inspection of criminal record by subject
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 19.34.240(3)	Private digital signature keys
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

**Citation**

RCW 26.23.120  
 RCW 26.26.041  
 RCW 26.26.450  
 RCW 26.33.330  
 RCW 26.33.340  
 RCW 26.33.343  
 RCW 26.33.345  
 RCW 26.33.380  
 RCW 26.44.010  
 RCW 26.44.020(19)  
 RCW 26.44.030  
 RCW 26.44.125  
 RCW 27.53.070  
 RCW 29A.08.720  
 RCW 29A.08.710  
 RCW 35.102.145  
  
 Chapter 40.14 RCW  
 RCW 42.23.070(4)  
 RCW 42.41.030(7)  
 RCW 42.41.045  
 RCW 46.52.080  
 RCW 46.52.083  
 RCW 46.52.120  
 RCW 46.52.130(2)  
 RCW 48.62.101  
 RCW 50.13.060  
 RCW 50.13.100  
 RCW 51.28.070  
 RCW 51.36.060  
 RCW 60.70.040  
 RCW 68.50.105  
 RCW 68.50.320  
 Chapter 70.02 RCW  
 RCW 70.05.170  
 RCW 70.24.022  
  
 RCW 70.24.024  
 RCW 70.24.105  
 RCW 70.28.020  
 RCW 70.48.100  
 RCW 70.58.055  
 RCW 70.58.104  
 RCW 70.94.205  
 RCW 70.96A.150  
 RCW 70.123.075  
 RCW 70.125.065  
 RCW 71.05.390  
 RCW 71.05.395  
 RCW 71.05.400  
 RCW 71.05.425  
 RCW 71.05.427  
 RCW 71.05.430  
 RCW 71.05.440

**Records**

Child support records  
 Uniform Parentage Act – protection of participants  
 Confidentiality of genetic testing  
 Sealed court adoption records  
 Agency adoption records  
 Access to adoption records by confidential intermediary  
 Release of name of court for adoption or relinquishment  
 Adoption – identity of birth parents confidential  
 Privacy of reports on child abuse and neglect  
 Unfounded allegations of child abuse or neglect  
 Reports of child abuse/neglect  
 Right to review and amend abuse finding – confidentiality  
 Records identifying the location of archaeological sites  
 Voter registration records – place of registration confidential  
 Voter registration records – certain information exempt  
 Municipal business and occupation tax – Confidentiality, privilege, and Disclosure  
 Preservation and destruction of public records  
 Municipal officer disclosure of confidential information prohibited  
 Identity of local government whistleblower  
 Non-disclosure of protected information (whistleblower)  
 Traffic accident reports – confidentiality  
 Traffic accident reports – available to interested parties  
 Traffic crimes and infractions – confidential use by police and courts  
 Abstract of driving record  
 Local government insurance transactions – access to information  
 Access to employment security records by local government agencies  
 Disclosure of non-identifiable information or with consent  
 Worker’s compensation records  
 Physician information on injured workers  
 No duty to disclose record of common law lien  
 Autopsy reports  
 Dental identification records – available to law enforcement agencies  
 Medical records – access and disclosure – entire chapter (HC providers)  
 Child mortality reviews by local health departments  
 Public health agency information regarding sexually transmitted disease investigations - confidential  
 Transcripts and records of hearings regarding sexually transmitted diseases  
 HIV/STD records  
 Local health department TB records – confidential  
 Jail records and booking photos  
 Birth certificates – certain information confidential  
 Vital records, research confidentiality safeguards  
 Washington Clean Air Act – confidentiality of data.  
 Alcohol and drug abuse treatment programs  
 Client records of domestic violence programs  
 Records of rape crisis centers in discovery  
 Information about mental health consumers  
 Ch. 70.02 RCW applies to mental health records  
 Information to next of kin or representative  
 Notice of release or transfer of committed person after offense dismissal  
 Information that can be released  
 Statistical data  
 Penalties for unauthorized release of information

**Citation****Records**

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
RCW 72.09.585(3)	Disclosure of inmate records to local agencies – confidentiality
RCW 73.04.030	Veterans discharge papers exemption (see related RCW 42.56.440)
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**

18 USC § 2721 - 2725	Driver and License Plate Information
20 USC § 1232g	Family Education Rights and Privacy Act
23 USC § 409	Evidence of certain accident reports
42 USC 290dd-2	Confidentiality of Substance Abuse Records
42 USC § 405(c)(2)(C)(viii)(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
42 CFR 5106a(b)(2)(A)	Grants to States for Child Abuse and Neglect Prevention and Treatment Programs
45 CFR 160-164	HIPAA Privacy Rule
46 CFR 40.321	USCG regulations regarding confidentiality of drug and alcohol test results done by marine employers