

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
PACIFIC COUNTY, WASHINGTON

RESOLUTION NO. 2020-003

IN THE MATTER OF AMENDING THE PACIFIC COUNTY PUBLIC RECORDS  
POLICY AND RESCINDING RESOLUTION NO. 2018-005

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, the Pacific County Public Records Procedures Policy was adopted by Resolution No. 2018-005 on January 23, 2018; and

WHEREAS, there is a need to update the policy and charges for public records.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Pacific County Commissioners that the attached Pacific County Public Records Procedures Policy and all attachments are hereby amended; and

BE IT FURTHER RESOLVED that Resolution No. 2018-005 is hereby rescinded and any other conflicting resolutions, and

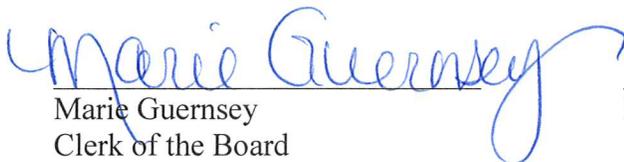
BE IT STILL FURTHER RESOLVED the effective date of this resolution shall be the date of its passage.

PASSED by the following vote this 14<sup>th</sup> day of January, 2020 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:

BOARD OF COUNTY COMMISSIONERS  
PACIFIC COUNTY, WASHINGTON

  
Marie Guernsey  
Clerk of the Board

  
Frank Wolfe, Chair

  
Lisa Olsen, Commissioner

  
Mike Runyon, Commissioner

**PACIFIC COUNTY  
PUBLIC RECORDS POLICY**

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**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 the request is for a list of individuals for commercial purposes (RCW 42.56.070), or to determine the applicability of statutory exemptions or prohibitions on 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 C of this policy. This list is for informational purposes only and failure to list an exemption shall not affect the efficacy of any exemption.

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

### **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 the fulfillment 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 public records request must be for identifiable records that exist at the time of the request. A request for all or substantially all records prepared, owned, used, or retained by the County is not a valid request for identifiable records, 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 the County's records. The County is forbidden to conduct legal research for a 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 42.56.080.

## 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) The County shall honor requests received in person during normal office hours, or by mail or email for identifiable public records. Requestors are encouraged to use Pacific County's Public Records Center at <http://www.co.pacific.wa.us/Public-Records/index.htm>. Requests may also be submitted on the Records Request Form included in this policy as Attachment B.
  - 3) If a public records request is made to county staff, other than in writing, staff should memorialize the request by completing Attachment B the Records Request Form. Once the form is completed, staff should request the signature of the requestor to confirm the records requested are identified properly, staff should then notify the Public Records Officer or Senior Public Records Coordinator, or enter 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, that the list will not be used for commercial purposes (RCW 42.56.070). 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
  - 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 in one of the following ways:
- 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
  - 4) acknowledging the County has received the request and ask the requestor to provide clarification for a request that is unclear, and providing to the greatest extent possible, a reasonable estimate of the time that will be required to respond to the request if it not clarified
  - 5) denying the public record request (RCW 42.56.520)
    - a. The County may deny a bot request that is one of multiple requests from the requestor to the County within a twenty-four-hour period, if responding to the multiple requests would cause excessive interference with other essential functions of the County. "Bot requests" means a request for public records that an agency reasonably believes was automatically generated by a computer program or script.
- C. 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." The estimate should reflect the timeframe received from the responsive department(s) and/or office(s) and include the expected time to review the records for exemptions from disclosure. 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 records requested, and/or to notify third persons or agencies affected by the request. However, requests that require immediate response in the interest of public safety (imminent danger), shall take priority over all other requests.
- 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 respond to the County's request to clarify the request, and the entire request is unclear, the County need not respond to it. Otherwise, the County must respond, to those portions of the request that are clear. 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 42.56.540.

The notice to the affected third party should provide a minimum of fifteen (15) days to obtain an injunction 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 timely 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. For example, an office or department may allocate certain employees to portion more than ten hours per month in lieu of all employees doing so.

### **Section 10 Fees for Public Records**

The County has determined that it would be unduly burdensome to calculate actual costs to provide public records due to the number of variables.

Fees for providing public records shall be charged in accordance with Attachment A of this policy.

## **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 Retention of Public Records 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 Requests**

- A. Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the public records officer 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. The public records officer shall promptly provide the petition and any other relevant information to the Prosecutor's Office. The Prosecutor, or designee, will immediately consider the petition and either affirm or reverse the denial within two business days following the receipt of the petition, or within such other time as the Prosecutor and the requestor mutually agree to.
- C. Administrative remedies shall not be considered exhausted until the prosecuting attorney has made a written decision, or until the close of the fifth business day following receipt of the written request for review of the action of the public records officer, whichever occurs first.
- D. For purpose of the public disclosure laws, the County shall have concluded a public record is exempt from disclosure only after the review conducted under this section has been completed. No lawsuit to review the action taken, compel the production of a public record, penalty or attorney fees shall be brought before the administrative remedies set out in this section have been exhausted by the party seeking the record.

## **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 (Attachment A) 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 and all attachments, 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>

#### **Section 19 Effective Date**

The effective date of this policy shall be the date of its adoption.

**FEES FOR PUBLIC RECORDS**

Pacific County declares that it would be unduly burdensome to calculate actual costs for providing public records due to the limited number of staff dedicated to fulfilling requests for public records as their exclusive job duties.

- A. In determining the actual cost for providing copies of public records, the County may include all costs directly incident to copying such public records including:
- 1) The actual cost of the paper and the per page cost for use of County copying equipment; and
  - 2) 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.
    - a. These costs shall be augmented with the annual cost of our cloud-based data storage module (or system), along with the average number of requests received. These averages will be determined as follows:
      - i. Beginning August 1, 2017, the average shall be based on all requests received between January 1, 2015 and December 31, 2016.
      - ii. Beginning January 1, 2018, the average shall be based on all requests received during the previous three calendar years.
      - iii. Beginning January 1<sup>st</sup> of each subsequent year, the averages shall be based on all requests received during the three previous calendar years.
- B. In determining other actual costs for providing copies of public records, the County may include all costs directly incident to:
- 1) Shipping public records, including the cost of postage or delivery charges and the cost of any container or envelope used; and
  - 2) Transmitting records in an electronic format, including the cost of any transmission charge and use of any physical media device provided by the County.
    - a. In determining the actual costs for providing copies of public records, the County 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 the County's costs.
- C. Unless a fee is fixed by another federal, state or county ordinance/resolution, the following fee schedule is applicable:
- 1) 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;
  - 2) Ten cents per page for public records scanned into an electronic format or for the use of agency equipment to scan the records;
  - 3) Five cents per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery; and
  - 4) 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.

- 5) The agency shall take reasonable steps to provide the records in the most efficient manner available to the agency in its normal operations; and
  - 6) 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. (including request for faxed records)
  - 7) The cost for providing records onto a CD will be \$1.00 (including the protective case) plus the actual cost of staff time, including benefits, for loading the records onto the CD.
  - 8) 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.
- D. 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.
- E. No fee will be charged for the following:
- 1) the inspection of a public record
  - 2) locating public records in response to a request and making the records available for inspection or copying
  - 3) searching for public records, redacting portions of a record which are exempt from disclosure, or preparing an index of exempt documents.
- F. The Public Records Officer may require a deposit of up to 10% before copying requested public records. (RCW 42.56.120)
- G. 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.
- H. Payments may be made by:
- 1) Cash (in the exact amount); or
  - 2) Check or money order (in the exact amount) made payable to Pacific County
- I. 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.

# Pacific County Public Records Request Form

REQUEST # \_\_\_\_\_  
For Official Use Only

Requests for public records can be mailed, emailed, faxed, or hand-delivered.

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

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

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

**RECORDS REQUESTED:** Please describe the identifiable records you are requesting and any additional information that will help us locate said records (dates, names, parcel #, etc.) RCW 42.56.520 requires a response within five (5) business days.

Desired format of records requested:  paper  electronic

I understand that Washington State Law (RCW 42.56.070(8)) prohibits the use of lists of individuals for commercial purposes. I understand that "commercial purposes" means that the list will be used for the purpose of facilitating profit-expecting activity. I hereby declare under penalty of perjury pursuant to the laws of the State of Washington that I will not use any list of individuals obtained from this request for commercial purposes. I also acknowledge that I am solely responsible for any consequences or damages arising from my commercial use of any list of individuals I am obtaining.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ City/State where signed: \_\_\_\_\_

Employee is required to sign if completed on behalf of the requestor and the requestor chose not to sign or is unable to sign

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ City/State where signed: \_\_\_\_\_

**FOR OFFICIAL USE ONLY**

Date received: \_\_\_\_\_ Received by: \_\_\_\_\_  
Name & Department/Office

Request received  in person  telephone  fax  email  letter Date response required: \_\_\_\_\_

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

**Action Taken**

- Approved; request fulfilled. Notified Requestor records are available and where. If copies requested and payment or deposit on payment has been made: copies sent.
- Fulfilled via:  paper copies (over the counter)  email  other (specify): \_\_\_\_\_
- No responsive records. Notified Requestor.
- 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.
- Legal review required. 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: Requestor to be notified by mail of reasons for denial.

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

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

## ATTACHMENT C

### Exemption and Prohibition Statutes not listed in Chapter 42.56 RCW

RCW 42.56.070(2) requires an agency to:

publish and maintain a current list containing every law, other than those listed in the PRA, 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.

#### Washington State Statutes

|                            |   |
|----------------------------|---|
| RCW 2.64.111               | Judicial conduct commission investigations of judges and initial proceedings  |
| RCW 4.24.550               | Information on sex offenders  |
| RCW 4.24.601 and .611      | Trade secrets and confidential research, development or commercial information re products or business methods      |
| RCW 5.60.060               | Privileged communications   |
| RCW 5.60.070; RCW 7.07.070 | Mediation records   |
| RCW 7.68.140               | Victims' compensation claims  |
| RCW 7.69A.030(4)           | Name, address and photograph of child victim or child witness   |
| RCW 7.69A.050              | Child victims and witnesses of certain crimes – protection of address   |
| RCW 7.75.050               | Records of Dispute Resolution Centers   |
| RCW 9.02.100               | Reproductive privacy  |
| RCW 9.41.097(2)            | Mental health information re persons buying pistols or applying for CPLs  |
| RCW 9.41.129               | Concealed pistol license applications   |
| RCW 9.73.230               | Name of confidential informants in written report on wire tapping   |
| 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 on disclosure of law enforcement dash cam videos until final disposition of litigation                  |
| RCW 9A.44.138              | Offender registration information given to high school or institution of higher education re an employee or student |
| RCW 9A.82.170              | Financial institution records re criminal profiteering act  |
| RCW 10.27.090              | Grand jury testimony/evidence   |
| RCW 10.27.160              | Grand jury reports – release to public only by judicial order   |
| RCW 10.52.100              | Records identifying child victims of sexual assault   |

|                   |  |
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| RCW 10.77.205     | Information re victims, next of kin, or witnesses requesting notice of release of person found not guilty of a sex, violent, or felony harassment offense by reason of criminal insanity and the notice itself |
| RCW 10.77.210     | Records of persons committed for criminal insanity   |
| RCW 10.97.040     | Criminal history information released must include disposition, with some exceptions   |
| 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 10.97.130     | Information about victims of sexual assault under age eighteen   |
| RCW 10.101.020(3) | Information given by an accused regarding determination for indigent defense   |
| 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 offender records  |
| RCW 13.50.100     | Juvenile/children records not relating to offenses   |
| RCW 13.60.020     | Missing children or endangered person information  |
| 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   |
| 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  |
| RCW 26.33.343     | Access to adoption records by confidential intermediary  |
| RCW 26.33.380     | Adoption – identity of birth parents confidential  |
| RCW 26.44.010     | Privacy of reports on child abuse and neglect  |
| RCW 26.44.031     | Information related to reports of child abuse or neglect   |
| RCW 26.44.125     | Reports, reviews and hearings related to a review of abuse finding   |
| RCW 27.53.070     | Records identifying the location of archaeological sites   |

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| RCW 29A.08.720    | Voter registration records – place of registration and any decision not to register to vote confidential  |
| RCW 29A.08.710    | Voter registration records – certain information exempt   |
| RCW 35.102.145    | Municipal business and occupation tax – local ordinance can protect return or tax information   |
| RCW 36.28A.060(8) | Tactical and intelligence information provided to WASPC   |
| RCW 39.10.470(2)  | Alternative public works - trade secrets or other proprietary information submitted by bidder in connection with an alternative public works transaction if data identified and reasons stated in writing |
| RCW 39.10.470(3)  | Alternative public works – proposals submitted by design-build finalists until notification of highest scoring finalist is made   |
| 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     | Non-disclosure of protected information (whistleblower)   |
| RCW 43.43.762     | Contents of statewide criminal street gang database   |
| RCW 46.12.635     | Vehicle registration  |
| RCW 46.52.065     | State toxicologist records relating to analyses of blood samples  |
| RCW 46.52.080     | Traffic accident reports – confidentiality  |
| 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 – limited disclosure   |
| RCW 48.62.101     | Local government insurance/risk management liability reserve funds established to settle claims   |
| RCW 50.13.060     | Access to employment security records by local government agencies  |
| RCW 50.13.100     | Disclosure of confidential employment security records allowed if identifying information deleted or with consent   |
| RCW 51.28.070     | Worker’s compensation records confidential – limited disclosure   |
| 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 – confidential – limited disclosure   |
| RCW 68.50.320     | Dental identification records – available to law enforcement agencies   |
| Ch. 70.02 RCW     | Medical records – access and disclosure – entire chapter (information from HC providers)  |
| RCW 70.05.170     | Child mortality reviews by local health departments   |
| RCW 70.24.022     | Public health agency information regarding sexually transmitted disease investigations - confidential   |
| RCW 70.24.024     | Transcripts and records of hearings regarding sexually transmitted diseases   |
| RCW 70.28.020     | Local health department TB records – confidential   |

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| RCW 70.41.200       | Hospital quality improvement committee records and accreditation reports   |
| 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 70.94.205       | Washington Clean Air Act – confidentiality of data.  |
| RCW 70.96A.150      | Registration and other records of alcohol and drug abuse treatment programs  |
| RCW 70.123.075      | Client records of domestic violence programs   |
| RCW 70.125.065      | Records of community sexual assault program and underserved populations provider in discovery                      |
| RCW 71.05.425       | Notice of release or transfer of committed person after offense dismissal  |
| RCW 71.05.445       | Release of mental health information to Dept. of Corrections   |
| RCW 71.05.620       | Access to court records related to mental health cases under chapter 71.05 RCW                                     |
| RCW 71.24.035(5)(g) | Mental health information system – state, county and regional support networks – confidentiality of client records |
| RCW 71.34.335       | Mental health treatment of minors – records confidential   |
| RCW 71A.14.070      | Records regarding developmental disability – confidentiality   |
| RCW 72.09.345       | Notice to public about sex offenders – department of corrections access to information                             |
| RCW 72.09.585       | 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 74.13.075(5)    | Juvenile’s status as a sexually aggressive youth and related info  |
| 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

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| 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                   | Grants to States for Child Abuse and Neglect Prevention and Treatment Programs |
| 45 CFR 160-164                 | HIPPA Privacy Rule   |
| 46 CFR 40.321                  | USCG regulations regarding confidentiality                                     |
| 28 USC § 534(b)                | Information from the FBI   |
| 5 USC § 552(a)                 | SSN # & Passport #   |
| 26 USC § 6103(a)               | Taxpayer information   |
| 42 USC § 12112(d)(3)           | Employee ADA accommodations  |
| 17 USC § 102, 301, and 106(1)  | Federal Copyright Act  |