

City of Chewelah – Public Records Policy

Section A. Authority and Purpose.

- 1) RCW 42.56.070(1) requires each agency to make available for inspection and copying nonexempt “public records” in accordance with published rules. The Public Records Act (Chapter 42.56 RCW) defines “public record” at RCW 42.56.010(3) to include 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 agency. RCW 42.56.010(3) excludes from the definition of “public record” the records of volunteers that are not otherwise required to be retained by the agency and which are held by volunteers who do not serve in an administrative capacity; have not been appointed by the agency to an agency board, commission or internship; and do not have a supervisory role or delegated authority. RCW 42.56.070(2) requires each agency to set forth “for informational purposes” every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public records held by that agency.
- 2) The purpose of these rules is to establish the procedures the City of Chewelah will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the City of Chewelah and establish processes for both requestors and the City of Chewelah staff that are designed to best assist members of the public in obtaining such access.
- 3) The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals’ privacy rights and the desirability of the efficient administration of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the City of Chewelah will be guided by the provisions of the act describing its purposes and interpretation.

Section B. Agency Description – Contact Information – Public Records Officer.

- 1) The City of Chewelah is a general-purpose local government and provides public safety, fire prevention, street improvement, parks and general administrative services. In addition, the City owns and operates a municipal airport and electric, water, sewer and garbage utilities. The City’s administrative office is located at 301 E Clay Avenue – Room 104, Chewelah, WA.
- 2) Any person wishing to request access to public records of the City, or seeking assistance in making such a request should contact the public records officer of the City by:

Mail: ATTN: Public Records Officer
City of Chewelah
PO Box 258
Chewelah, WA 99109

Phone: 509-935-8311

Fax: 509-935-6279

Email: publicrecords@cityofchewelah.org

Information is also available at the City's website at www.cityofchewelah.org.

- 3) The public records officer will oversee compliance with the act, but another City staff member may process the request. Therefore, these rules will refer to the public records officer "or designee". The public records officer or designee and the City will provide the "fullest assistance" to requestors; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the City.

Section C. Availability of Public Records.

- 1) **Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of the City, Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding legal holidays. Records must be inspected at the offices of the City. Many public records are also available for inspection and copying on the City's website at any time, at no cost.
- 2) **Records index.** Pursuant to Chewelah Municipal Code 2.68.070, the City finds that maintaining an index is unduly burdensome and would interfere with agency operations. The requirement would unduly burden or interfere with City operations due to the undue burden and near-impossibility of maintaining such an index.
- 3) **Organization of records.** The City will maintain its records in a reasonably organized manner. The City will take reasonable actions to protect records from damage and disorganization. A request shall not take City records from City offices. A variety of records are available on the City website at www.cityofchewelah.org. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.
- 4) **Making a request for public records.**
 - a) Any person wishing to inspect or copy public records of the City should make the request in writing on the City's request form, or by letter, fax, or email addressed to the public records officer at the email address publicly designated by the City, or by submitting the request in person at Chewelah City Hall 301 E Clay Avenue – Room 104, Chewelah, WA. All requests should include the following information:

- Name of requestor;
 - Mailing address of requestor;
 - Telephone number;
 - Email address;
 - Identification of the public records adequate for the public records officer or designee to locate the records; and
 - The date and time of day of the request.
- b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to **Section G**, charges for copies are provided in a fee schedule available at 301 E Clay Avenue – Room 104, Chewelah, WA and www.cityofchewelah.org. A requestor may “claim” such copies either person, by an agent designated in writing, or by having the City send the copies by U.S. Mail or other electronic means, but only after having make all payments required by this policy.
- c) A records request form is available for use by requestors at the office of the public records officer and online at www.cityofchewelah.org.
- d) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.
- e) If requestors refuse to identify themselves or provide sufficient contact information, the City will respond to the extent feasible and consistent with the law.

Section D. Processing of Public Records Requests – General.

- 1) **Providing “fullest assistance.”** The City is charged by statute with adopting rules which provide for how it will “provide full access to public records,” “protect records from damage or disorganization,” “prevent excessive interference with other essential functions of the agency,” provide “fullest assistance” to requestors, and provide the “most timely possible action” on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.
- a) An agency may need additional time to locate and assemble records. And, the Public Records Act (PRA) recognizes that agencies have essential functions in addition to providing public records. [RCW 42.56.100](#); [WAC 44-14-04001](#); *Zink v. City of Mesa* (2007). The Model Rules comment at [WAC 44-14-04001](#) (cited in *Forbes v. City of Gold Bar* (2012) describes in part:

Requesters should keep in mind that all agencies have essential functions in addition to providing public records. Agencies also have

greatly differing resources. The act recognizes that agency public records procedures should prevent "excessive interference" with the other "essential functions" of the agency. [RCW 42.56.100]. Therefore, while providing public records is an essential function of an agency, it is not required to abandon its other, nonpublic records functions. Agencies without a full-time public records officer may assign staff part-time to fulfill records requests, provided the agency is providing the "fullest assistance" and the "most timely possible" action on the request. The proper level of staffing for public records requests will vary among agencies, considering the complexity and number of requests to that agency, agency resources, and the agency's other functions.

See Washington State, Sunshine Laws 2015 Manual prepared by the Washington State Office of the Attorney General.

- 2) Upon receipt of a request, the City will assign it a tracking number and log it in. For the purposes of this policy, "receipt" of any request received at any address, phone number, or fax number described in **Section B, paragraph (2)** above, shall occur on the first business day following the request's arrival at the designated address, phone number, or fax number.

The City will respond to requests transmitted in any other manner to the extent reasonably possible, but in no event shall the "receipt" of any such request occur until the first business day following the request's actual arrival at the offices of the City, whether in person, by U.S. Mail, by phone, by fax, or by e-mail.

- 3) After receipt of a request the public records officer or designee will evaluate the request according to the nature of the request, volume, and availability of requested records.
- 4) **Acknowledging receipt of request.** Following the initial evaluation of the request under **paragraph (3)** of this section, and within **five business days**^{*} of receipt of the request, the public records officer will do one or more of the following:
 - a) Make the records available for inspection or copying including:
 - (i) If copies are available on the City's internet web site, provide an internet address and link on the web site to specific records requested; or
 - ii) If copies are requested and paid for, send the copies to the requestor;
 - b) Acknowledge receipt of the request and provide a reasonable estimate of when records or an installment of records will be available (the public records officer or designee may revise the estimate of when records will be available); or
 - c) Acknowledge receipt of the request and ask the requestor to provide clarification for a request that is unclear, and provide, to the greatest extent possible, a

reasonable estimate of time the City will require to respond to the request if it is not clarified.

- i) Such clarification may be requested and provided by telephone and memorialized in writing;
 - ii) If the requestor fails to respond to a request for clarification within 30 days of the City's request *and the entire request is unclear*, the City may consider the request abandoned, send a letter closing the response to the requestor, and re-file the records. The City will respond to those portions of a request that are clear; or
- d) Deny the request.

**In calculating the five business days, the following are not counted: The day the City receives the request, Saturdays, Sundays and holidays. RCW 1.12.040. See also WAC 44-14-03006.*

- 5) **Consequences of failure to respond.** If the City does not respond in writing within five business days of receipt of the request for disclosure, the requestor should contact the public records officer to determine the reason for the failure to respond.
- 6) **Protecting rights of others.** In the event that the requested records contain information that may affect rights of others and may not be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.
- 7) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the City believes that a record is exempt from disclosure and should be withheld, the public records officer will cite the specific exemption. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.
- 8) **Providing records to requestors once they have been assembled.** The requestor must inspect the assembled records or claim the copies of the assembled records within thirty (30) calendar days of the City's notification to him or her that the records are available for inspection or copying. The City will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the City to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to inspect or claim the records within the thirty-day period or to make other arrangements, the City may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

a) Inspecting records at the City.

- i) Consistent with other demands, once the requested records are assembled the City shall promptly provide space for a “viewing area” to inspect public records during normal business hours. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor must indicate which documents he or she may wish the City to copy.
- ii) After inspection is complete, the public records officer or designee shall make any requested copies or arrange for copying. Where the City charges for copies, the requestor must pay for the copies before he or she is entitled to claim such copies.

b) Claiming copies of records.

- i) In order to claim the copies of the requested records, the requestor must
 - (1) Make all payments required under this policy; and
 - (2) Receive such copies either in person, via an agent designated in writing, or by having the City send the copies by U.S. Mail or other electronic means.
- ii) Only after complying with all requirements of **Section D, paragraph 8(b)(i)** shall a requestor be entitled to claim copies of any requested records.

c) **Providing records in installments.** When the request is for a large number of records, the public records officer or designee may provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days of being notified of the availability of such records, the requestor fails to inspect or claim the available records (whether the entire set requested or one or more of the installments), the public records officer or designee may stop searching for the remaining records and close the request.

d) To maintain essential functions for the City of Chewelah, the Chewelah Public Records Office (or designee) will dedicate an average of not less than two (2) hours and not more than three (3) hours each working day to the processing of Public Records Requests, when necessary. He/she will estimate the time it will take to respond to the request and send estimates of varying lengths, as appropriate for different requests.

In establishing the time to respond, the following criteria may be considered for each request:

- i. Availability of the requested information electronically vs. in paper form only;

- ii. The number of staff involved in fulfillment of the request and time that will be required to research the request;
 - iii. Assessment of time to complete all public records requests while preventing “excessive interference” with the other “essential functions”; and
 - iv. Balancing the volume of outstanding public record requests.
- 9) **Completion of inspection.** When the inspection of the requested records is complete, and all requested copies are provided, the public records officer or designee will indicate that the City has completed a reasonable search for the requested records and made any located nonexempt records available for inspection.
- 10) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request, or fails within thirty (30) calendar days to clarify an entirely unclear request, or fails within thirty (30) calendar days to fulfill his or her obligations to inspect the records, pay the deposit, pay the required fees for an installment, or make final payment for the requested copies, the public records officer will close the request and, unless the City has already indicated in previous correspondence that the request would be closed under the above circumstances, indicate to the requestor that the City has closed the request.
- 11) **Later discovered documents.** If, after the City has informed the requestor that it has provided all available records, the City becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

Section E. Processing of Public Records Requests – Electronic Records.

- 1) **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.
- 2) **Providing electronic records.** When a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the City and is generally commercially available, or in a format that is reasonably translatable from the format in which the City keeps the record. Costs for providing electronic records are governed by RCW 42.56.120 and 42.56.130. The fee schedule is available at Chewelah City Hall 301 E Clay Avenue – Room 104, Chewelah, WA and at www.cityofchewelah.org.
- 3) **Customized electronic access services.** While not required, and with the consent of the requestor, the City may decide to provide customized electronic access services and assess charges under RCW 42.56.120(2)(f). A customized service charge applies only if the City estimates that the request would require the use of information technology expertise to prepare data compilations or provide customized electronic access services when such compilations and customized access services are not used by the City for other purposes. The City may charge a fee consistent with RCW 42.56.120(2)(f) for such customized access. The fee schedule is available

at Chewelah City Hall 301 E Clay Avenue – Room 104, Chewelah, WA and at www.cityofchewelah.org.

Section F. Exemptions.

- 1) 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 be aware of exemptions, *outside the Public Records Act*, that restrict the availability of some documents held by the City for inspection and copying. These exemptions are outlined in Exhibit “A”. (This outline may not be all inclusive and the City’s failure to list an exemption shall not affect the efficacy of any exemption RCW 42.56.070(2))
- 2) The City is prohibited by statute from disclosing lists of individuals for commercial purposes.

Section G. Costs of Providing Copies of Public Records.

- 1) **Inspection.** There is no fee for inspecting public records, including inspecting records on the City web site.
- 2) **Statutory default costs.** The City is not calculating actual costs for copying its records because to do so would be unduly burdensome for the following reasons: The City does not have the resources to conduct a study to determine actual copying costs for all its records; to conduct such a study would interfere with other essential agency functions; and, through the legislative process, the public and requestors have commented on and been informed of authorized fees and costs provided in the Public Records Act including RCW 42.56.120 and other laws. Therefore, in order to timely implement a fee schedule consistent with the Public Records Act, it is more cost efficient, expeditious and in the public interest for the City to adopt the state legislature’s approved fees and costs for most of the City records, as authorized in RCW 42.56.120 and as published in the City’s fee schedule.
- 3) **Fee schedule.** The fee schedule is available at City Hall – 301 E. Clay Avenue - Room 104, Chewelah, WA and on the City web site at www.cityofchewelah.org.
- 4) **Processing payments.** Before beginning to make the copies or processing a customized service, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The City will not charge sales tax when it makes copies of public records.
- 5) **Costs of mailing.** The City may also charge actual costs of mailing, including the cost of the shipping container.
- 6) **Payment.** Payment may be made by cash, check or money order made payable to the “City of Chewelah”, or by credit/debit card (convenience fees apply).

Section H. Review of Denials of Public Records.

- 1) **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 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.
- 2) **Consideration of petition for review.** The public records officer shall promptly provide the petition and any other relevant information to the Mayor. That person will immediately consider the petition and either affirm or reverse the denial within two business days following the City's receipt of the petition, or within such other time as the City and the requestor mutually agree to.
- 3) **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

Exhibit A (1 of 4)

Code	Exemption	Brief Explanatory Description	Statute/Rule/Case
[1a]	Attorney-Client Privilege – RCW 5.60.060(2)(a); RCW 42.56.070(1)	Communication from client to attorney for the purpose of obtaining legal advice	RCW 5.60.060(2)(a); RCW 42.56.070(1)
[1b]	Attorney-Client Privilege – RCW 5.60.060(2)(a); RCW 42.56.070(1)	Communication from attorney to client for the purpose of providing legal advice	RCW 5.60.060(2)(a); RCW 42.56.070(1)
[1c]	Attorney-Client Privilege – RCW 5.60.060(2)(a); RCW 42.56.070(1)	Communication between attorney and client regarding litigation	RCW 5.60.060(2)(a); RCW 42.56.070(1)
[1d]	Attorney-Client Privilege – RCW 5.60.060(2)(a); RCW 42.56.070(1)	Communication between attorneys that reflect attorney-client communications regarding advice	RCW 5.60.060(2)(a); RCW 42.56.070(1)
[1e]	Attorney-Client Privilege – RCW 5.60.060(2)(a); RCW 42.56.070(1)	Communication between attorneys that reflect attorney-client communications regarding litigation	RCW 5.60.060(2)(a); RCW 42.56.070(1)
[1f]	Attorney-Client Privilege – RCW 5.60.060(2)(a); RCW 42.56.070(1)	Communication between members of the client agency for the purpose of gathering information to obtain legal advice or to convey attorney-client communications	RCW 5.60.060(2)(a); RCW 42.56.070(1)
[2a]	Attorney Work Product Privilege – RCW 42.56.290	Drafts, notes, memoranda, or research reflecting the opinions or mental impressions of an attorney or attorney's agent prepared, collected, or assembled in litigation or in anticipation of litigation	RCW 42.56.290
[2b]	Attorney Work Product/ Work Product Privilege – RCW 42.56.290	Notes, memoranda, statements, records that reveal factual or investigative information prepared, collected, or assembled in litigation or in anticipation of litigation	RCW 42.56.290
[2c]	Attorney Work Product Privilege – RCW 42.56.290	Communication between attorney and client that reveals opinions or mental impression of attorney, or information prepared, collected, or assembled in litigation or in anticipation of litigation	RCW 42.56.290
[2d]	Attorney Work Product Privilege – RCW 42.56.290	Communication between attorneys that reveals opinions or mental impression of attorney, or information prepared, collected, or assembled in litigation or in anticipation of litigation	RCW 42.56.290
[2e]	Attorney Work Product Privilege – Common Interest or Joint Defense Protection – RCW 42.56.290	Communication between attorneys who have a common interest or a joint defense agreement that reveals opinions or mental impression of attorney, or information prepared, collected, or assembled in litigation or in anticipation of litigation	RCW 42.56.290
[2f]	Attorney Work Product Privilege – Mediation Privilege – RCW 7.07; RCW 42.56.290	RCW 7.07.030 provides for confidentiality relating to mediations. RCW 42.56.290 provides for an exemption from disclosure things that are not discoverable when an agency is a party to a controversy	RCW 7.07; RCW 42.56.290; RCW 42.56.070(1)
[3a]	Deliberative Process – RCW 42.56.280	Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action	RCW 42.56.280
[4a]	Public Employees – Applications – RCW 42.56.250(2)	All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant	RCW 42.56.250(2)
[4b]	Public Employees/Volunteers – Address; Phone; Email; SSN; Driver's License; Emergency Contact; Names and DOB (for dependents) – RCW 42.56.250(4)	The residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, driver's license numbers, identicard numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, addresses, telephone numbers, and electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency	RCW 42.56.250(4)
[4c]	Public Employees – Personal Information in Personnel Files – RCW 42.56.230(3); RCW 42.56.050	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 (information regarding misconduct is not exempt)	RCW 42.56.230(3); RCW 42.56.050
[4d]	Public Employees - Test Questions, Scoring Keys, and other examination data - RCW 42.56.250(1)	Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination	RCW 42.56.250(1)

Exhibit A (2 of 4)

Code	Exemption	Brief Explanatory Description	Statute/Rule/Case
[5a]	Personal Information – Financial Information – RCW 42.56.230(5); RCW 9.35.005	Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, social security numbers, bank or other financial information identified in RCW 9.35.005. Information in RCW 9.35.005 is information identifiable to an individual that concerns the amount or conditions of an individual's assets, liabilities or credit: account numbers and balances; transactional information concerning an account; codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identicaid numbers issued by the Department of Licensing, and other information held for the purpose of account access or transaction initiation.	RCW 42.56.230(5); RCW 9.35.005
[5b]	Personal Information – Driver's License – RCW 42.56.230(7)(a)	Any record used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicaid	RCW 42.56.230(7)(a)
[5c]	Personal Information – Tax ID – RCW 42.56.230(4); 42 U.S.C. § 405(c)(2)(C)(viii)(I); RCW 42.56.070(1)	Information required of any taxpayer in connection with the assessment or collection of any tax (Social Security Number)	RCW 42.56.230(4); 42 U.S.C. § 405(c)(2)(C)(viii)(I); RCW 42.56.070(1)
[5d]	Personal Information – Public Clients – RCW 42.56.230(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	RCW 42.56.230(1)
[5e]	Personal Information - Health Professionals - RCW 42.56.350	Social security number and current residential address and current residential telephone number of a health care provider are exempt from disclosure if the conditions in RCW 42.56.350 are met	RCW 42.56.350
[5f]	Personal Information - Employee Performance Evaluation - RCW 42.56.230(3)	Routine employee performance evaluation with no discussion of specific instances of misconduct	<i>Dawson v. Daly</i> , 120 Wn.2d 782, 845 P.2d 995 (1993); RCW 42.56.230(3)
[5g]	Personal Information of Family Members or Guardians of Children Enrolled in Child Care or Youth Programs – RCW 42.56.230(2)	Personal information for: a child enrolled in licensed child care in files maintained for the department of early learning; a child enrolled in a program serving or pertaining to children, adolescents or students (including but not limited to early learning or child care services, parks and recreation programs, youth development programs, and after-school programs); or, personal information of family members or guardians of such children if the family member/guardian has the same last name or resides at the same address as the child and disclosure would result in disclosure of the personal information about the child.	RCW 42.56.230(2)
[5h]	Limiting Disclosure of Information About the Religious Affiliation of Individuals - RCW 42.56.235	All records that relate to or contain personally identifying information about an individual's religious beliefs, practices, or affiliation are exempt from disclosure	RCW 42.56.235
[6a]	Health Care Information – General State - HCIA - RCW 70.02.020(1); RCW 42.56.360(2)	A "health care provider" may not disclose "health care information" about a patient without the patient's written authorization. A patient's written authorization must conform to the authorization	RCW 70.02.020(1); RCW 42.56.360(2)
[6b]	Health Care Information – General Federal – HIPAA – 45 CFR Part 160, 164; RCW 42.56.070(1)	A "covered entity" may not disclose "protected health information" about an individual without the individual's written authorization	45 CFR Part 160, 164; RCW 42.56.070(1)
[6c]	Health Care Information – Sexually Transmitted Diseases – RCW 70.02.220(1); RCW 42.56.070(1)	No person may disclose or be compelled to disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease, with exceptions	RCW 70.02.220(1); RCW 42.56.070(1)
[6d]	Health Care Information – Mental Illness – RCW 70.02.230; RCW 42.56.070(1)	The fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies must be confidential.	RCW 70.02.230; RCW 42.56.070(1)
[6e]	Health Care Information – Chemical Dependency – RCW 70.02.230(3); 42 CFR Part 2; RCW 42.56.070(1)	Whenever federal law or federal regulations restrict the release of information contained in the information and records related to mental health services of any patient who receives treatment for chemical dependency, the department or the authority may restrict the release of the information as necessary to comply with federal law and regulations	RCW 70.02.230(3); 42 CFR Part 2; RCW 42.56.070(1)
[6f]	Health Care Information - Mental Health Records for Minors - RCW 70.02.240; RCW 42.56.070(1)	The fact of admission and all information/records related to the mental health services obtained through treatment for minors under RCW 71.34 is confidential	RCW 70.02.240; RCW 42.56.070(1)

Exhibit A (3 of 4)

Code	Exemption	Brief Explanatory Description	Statute/Rule/Case
[6g]	Health Care Information - Substance Abuse Treatment Records - 42 U.S.C.A. § 290dd-2; RCW 42.56.070(1)	Records of any patient in connection with any program relating to substance abuse education, prevention, training, treatment, rehabilitation, or research, which is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall be confidential	42 U.S.C.A. § 290dd-2; RCW 42.56.070(1)
[6h]	Health Care Information - Medical Records - Access and Disclosure - RCW 70.02.050(2)(a); RCW 42.56.070(1)	Any health care records obtained from a health care provider utilized to determine compliance with state or federal licensure, certification or registration rules or laws, or to investigate unprofessional conduct or ability to practice with reasonable skill and safety under chapter 18.130 RCW shall be exempt from public inspection and copying pursuant to chapter 42.56 RCW	RCW 70.02.050(2)(a); RCW 42.56.070(1)
[6i]	Employee reasonable accommodation and medical exam records (ADA) - 42 USC §12112(d); 29 CFR 1630.14(c)(1); RCW 70.02.005(4); RCW 70.02.020(1); RCW 42.56.070(1); RCW 42.56.360(2)	Information regarding the medical condition or history of an employee or applicant shall be treated as confidential medical records.	42 USC §12112(d); 29 CFR 1630.14(c)(1); RCW 70.02.005(4); RCW 70.02.020(1); RCW 42.56.070(1); RCW 42.56.360(2)
[6j]	Employee Family and Medical Leave Act - 29 CFR § 825.500(g); RCW 42.56.070(1)	Records and documentation relating to certifications, recertifications, or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files	29 CFR § 825.500(g); RCW 42.56.070(1)
[6k]	Personal Information – Vulnerable individuals or in-home caregivers for vulnerable populations – RCW 43.17.410; RCW 42.56.640	To protect vulnerable individuals, their children, and in-home caregivers from identity crimes and other forms of victimization, sensitive personal information is exempt from inspection and copying	RCW 43.17.410; RCW 42.56.640
[7a]	Investigative, law enforcement, and crime victims – Investigative Files – RCW 42.56.240(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	RCW 42.56.240(1)
[7b]	Investigative, law enforcement, and crime victims – Identity of Witness or Victim – RCW 42.56.240(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, if disclosure would endanger any person's life, physical safety, or property	RCW 42.56.240(2)
[7c]	Investigative, law enforcement, and crime victims – Identity of Child Victim of Sexual Assault – RCW 42.56.240(5)	Information revealing the identify of child victims of sexual assault	RCW 42.56.240(5)
[8a]	Proprietary, Financial, and Commercial Information – Valuable Formulae – RCW 42.56.270(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	RCW 42.56.270(1)
[8b]	Proprietary, Financial, and Commercial Information – Trade Secret – RCW 19.108.010 et seq.; RCW 42.56.070(1)	Information that derives independent economic value from not being generally known and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy	RCW 19.108.010 et seq.; RCW 42.56.070(1)
[8c]	Proprietary, Financial, and Commercial Information – Material Protected by Copyright – Federal Copyright Act, 17 U.S.C., sec. 102, 301, and 106(1); RCW 42.56.070 (1)	Reproduction of records prohibited under copyright law	Federal Copyright Act, 17 U.S.C., sec. 102, 301, and 106(1); RCW 42.56.070 (1)
[8d]	Proprietary, Financial, and Commercial Information – Vendor's Proprietary Information – RCW 42.56.270(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 DSHS for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.01	RCW 42.56.270(11)

Exhibit A (4 of 4)

Code	Exemption	Brief Explanatory Description	Statute/Rule/Case
[8e]	Real Estate Appraisal, Purchase and Sale Records – RCW 42.56.260	Contents of real estate appraisals (for 3 years); documents prepared for the purpose of selection of a site or acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price, including records considered in an executive session under RCW 42.30.110(1)(b); and, documents prepared for the purpose of considering the minimum price of real estate that will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of increased price, including records considered in an executive session under RCW 42.30.110(1)(c). Exemption does not apply when disclosure is mandated by another statute, or after the project or prospective project is abandoned or all properties have been purchased, sold or leased.	RCW 42.56.260
[8f]	Commercial, Proprietary Information Relating to Public Utilities and Transportation – RCW 42.56.330; RCW 80.04.095; RCW 81.77.210	Records filed with the public utilities and transportation commission or the attorney general from any person which contain valuable commercial information, including trade secrets or confidential marketing, cost, or financial information, or customer-specific usage and network configuration and design information, are exempt from disclosure	RCW 42.56.330; RCW 80.04.095; RCW 81.77.210
[8g]	Financial, Commercial, and Proprietary Information – RCW 42.56.270(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	RCW 42.56.270(6)
[8h]	State Procurement Records – RCW 39.26.030; RCW 42.56.070(1)	Records related to state procurements are public records subject to disclosure except bid submissions and bid evaluations are exempt from disclosure until the agency announces the apparent successful bidder	RCW 39.26.030; RCW 42.56.070(1)
[9a]	Criminal History – Non-conviction Data – RCW 10.97.050 & .030; RCW 42.56.070(1)	Non-conviction information may not be disclosed to the public	RCW 10.97.050 & .030; RCW 42.56.070(1)
[9b]	Criminal History – Background Checks – RCW 43.43.834(5), ; RCW 42.56.070(1)	Criminal history background records obtained by a state agency cannot be disclosed to the public	RCW 43.43.834(5); RCW 42.56.070(1)