

RCW 42.56.210 Certain personal and other records exempt. (1)

Except for information described in *RCW 42.56.230(3)(a) and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this chapter are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(2) Inspection or copying of any specific records exempt under the provisions of this chapter may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(3) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Effective date—1993 c 280: See RCW 43.330.902.

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

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

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

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

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

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

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

Exemptions from public inspection

basic health plan records: RCW 70.47.150.

bill drafting service of code reviser's office: RCW 1.08.027, 44.68.060.

certificate submitted by individual with physical or mental disability seeking a driver's license: RCW 46.20.041.

commercial fertilizers, sales reports: RCW 15.54.362.

criminal records: Chapter 10.97 RCW.

employer information: RCW 50.13.060.

family and children's ombuds: RCW 43.06A.050.

legislative service center, information: RCW 44.68.060.

medical commission, reports required to be filed with: RCW 18.71.0195.

organized crime investigative information: RCW 43.43.856.
public transportation information: RCW 47.04.240.
salary and fringe benefit survey information: RCW 41.06.160.