

Common Public Records Exemptions Applicable to WDFW Records

Code	Exemption/Privilege	Brief Description	Citation(s)
[1a]	Attorney-Client Privilege	Privileged 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	Privileged 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	Privileged communication between attorney and client regarding litigation	RCW 5.60.060(2)(a); RCW 42.56.070(1)
[1d]	Attorney-Client Privilege	Privileged 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	Privileged 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	Privileged 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	Drafts, notes, memoranda, research or other records 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	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	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	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
[3a]	Invasion of Privacy	A person's "right to privacy," "right of privacy," "privacy," or "personal privacy," as these terms are used in this chapter, is invaded or violated only if disclosure of information about the person: (1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. The provisions of this chapter dealing with the right to privacy in certain public records do not create any right of privacy beyond those rights that are specified in this chapter as express exemptions from the public's right to inspect, examine, or copy public records.	RCW 42.56.050; <i>Hearst v. Hoppe</i> , 90 Wn.2d 123, 135 (1978)
[3b]	Commercial Purpose	Prohibits agencies to give, sell or provide access to lists of individuals for commercial purposes	RCW 42.56.070(9)
[4a]	Employee Personal Information	Personal information in files maintained for employees of any public agency to the extent that disclosure would violate their right to privacy (examples: positive performance evaluation, personnel ID #, number of tax exemptions, employee deductions)	RCW 42.56.230(3)
[4b]	Account Numbers	Credit card and debit card numbers, electronic check numbers, card expiration dates, or bank or other financial information as defined in RCW 9.35.005 including social security numbers	RCW 42.56.230(5) (Amended 7/24/2015)
[4c]	Taxpayer Information	Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would: (a) Be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance authorized under RCW 35.102.145; or b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer	RCW 42.56.230(4)
[4d]	Excise Tax Return or Information	A tax or information return or claim for refund required by, or provided for or permitted under, the laws of this state which is filed with the department of revenue by, on behalf of, or with respect to a person, and any amendment or supplement thereto, including supporting schedules, attachments, or lists that are supplemental to, or part of, the return so filed	RCW 82.32.330
[5a]	Investigative, law enforcement, and crime victims – Investigative Files	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)
[5b]	Investigative, law enforcement, and crime victims – Identity of Witness or Victim	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)
[6a]	Testing and Examination	Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination	RCW 42.56.250(1)
[6b]	Public Employees – Applications	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)
[6c]	Employees/Volunteers – Address; Phone; Email; SSN; Emergency Contact; Names and DOB (for dependents)	The addresses, telephone numbers, electronic mail addresses, social security 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(3)

[6d]	Unfair Practice - Discrimination	Investigative records compiled by an employing agency conducting an active and ongoing investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment	RCW 42.56.250(2)
[7a]	Real Estate Appraisals	Documents prepared for the purpose of considering the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increase price, including records prepared for executive session pursuant to 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 decreased price, including records prepared for executive session pursuant to RCW 42.30.110(1)(C). This exemption does not apply when disclosure is mandated by another statute, or after the project or prospective project is abandoned or all properties that are part of the project have been purchased, sold, or leased. No appraisal may be withheld from more than three years.	RCW 42.56.260 (Amended 7/24/2015)
[8a]	Deliberative Process	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
[9a]	Archaeological Sites	Records, maps, or other information identifying the location of archaeological sites in order to avoid looting or depredation of such sites	RCW 42.56.300
[10a]	Livestock	Results of testing for animal diseases from samples submitted by or at the direction of the animal owner or his or her designee that can be identified to a particular business or individual	RCW 42.56.380(10)
[11a]	Commercial Fish Catch Data	Commercial fishing catch data from logbooks when data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data, however, this information may be released to government agencies concerned with the management of fish and wildlife resources	RCW 42.56.430(1)
[11b]	Sensitive Fish and Wildlife Data	Sensitive fish and wildlife data. Sensitive fish and wildlife data may be released to the following entities and their agents for fish, wildlife, land management purposes, or scientific research needs: Government agencies, public utilities, and accredited colleges and universities. Sensitive fish and wildlife data may be released to tribal governments. Sensitive fish and wildlife data may also be released to the owner, lessee, or right-of-way or easement holder of the private land to which the data pertains. The release of sensitive fish and wildlife data may be subject to a confidentiality agreement, except upon release of sensitive fish and wildlife data to the owner, lessee, or right-of-way or easement holder of private land who initially provided the data. Sensitive fish and wildlife data does not include data related to reports of predatory wildlife as specified in RCW 77.12.885. Sensitive fish and wildlife data must meet at least one of the following criteria of this subsection as applied by the department of fish and wildlife: (a) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife; (b) Radio frequencies used in, or locational data generated by, telemetry studies; or (c) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met: (i) The species has a known commercial or black market value; (ii) There is a history of malicious take of that species and the species behavior or ecology renders it especially vulnerable; (iii) There is a known demand to visit, take, or disturb the species; or (iv) The species has an extremely limited distribution and concentration	RCW 42.56.430(2)
[11c]	Personally Identifiable Information of Recreational or Commercial License Holders	The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag; however, the department of fish and wildlife may disclose personally identifying information to: (a) Government agencies concerned with the management of fish and wildlife resources; (b) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and (c) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040	RCW 42.56.430(3)
[11d]	Magnuson Stevens Act	Information that the department of fish and wildlife has received or accessed but may not disclose due to confidentiality requirements in the Magnuson-Stevens fishery conservation and management reauthorization act of 2006, 16 U.S.C. § 1861(h)(3), (i), and § 1881(a)(b).	RCW 42.56.430(4)

[12a]	Veteran's Discharge Papers	<p>(1) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents are exempt from disclosure under this chapter. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.</p> <p>(2) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records are exempt from disclosure under this chapter, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.</p> <p>(3) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.</p> <p>(4) For the purposes of this section, next of kin of deceased veterans have the same rights</p>	RCW 42.56.440
[13a]	Social Security Numbers	The Privacy Act of 1974 evinces Congress' intent that social security numbers are a private concern. 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	5 U.S.C. § 552(a); RCW 42.56.070(1); RCW 42.56.230(3) and (5)
[14a]	Medical Information - HIPAA	A "covered entity" may not disclose protected health information about an individual.	42 U.S.C. § 1320d-6; 45 CFR Part 160, 164 - HIPAA
[15a]	Criminal History - Non-Conviction Data	Non-conviction information may not be disclosed to the public	RCW 10.97.050 and .030; RCW 42.56.070(1)
[16a]	Juvenile Records - Relating to the Commission of Juvenile Offenses	All records other than the official juvenile court file are confidential and may be released only as provided in RCW 13.50.050, RCW 13.50.010, 13.40.215, and 4.24.550	RCW 13.50.050; RCW 42.56.070(1)
[17a]	Abstract Driving Record	Specific driver's license information (abstract and certified copies of driving records) is protected. Please contact the DOL at http://www.dol.wa.gov/driverslicense/requestyourrecord.html	RCW 46.52.130
[17b]	Vehicle Registration Information	The name or address of an individual vehicle owner shall not be released. Please contact the DOL at http://www.dol.wa.gov/forms/224003.pdf	RCW 46.12.635
[18a]	Department of Licensing Records (Drivers Checks)	A State department of motor vehicles, and any officer, employee, or contractor thereof, shall not knowingly disclose or otherwise make available to any person or entity Personal or Highly Restricted Personal Information.	18 U.S.C. § 123(2721) and (2725)