



Washington Department of
FISH & WILDLIFE

Please note that there are black boxes (redactions) on various pages of the responsive documents. The black box may be small or large depending on the amount of information that is redacted. There may also be multiple redactions on one page. Within the redaction is a white code – for example, [1a] [1b], etc. That code designates the statutory exemption applicable to the redacted information. If there is only one code on the page, but there are numerous redactions, that one statutory exemption applies to all of the redactions on that page. Otherwise, the code printed within the redaction designates the exemption for that redaction.

Also provided with these records is a key to the codes. This key identifies the statutory basis for the exemption as well as a brief explanation for why the exemption applies to the redacted information. As you review these responsive documents, you can refer to the key to identify the exemption and its applicability.

We have attempted to apply consistent redactions on document that contain the same information. In the event you locate documents that contain redactions that are not applied consistently, please let us know.

Finally, the disclosure of information in the records being produced does not in any way constitute a waiver of attorney-client and/or work product privileges.

If you have any questions, please contact the Public Records Officer at **360-706-3325** or by email at **DFWPDR@dfw.wa.gov**

Common Public Records Exemptions Applicable to WDFW Records [Rev. 02/2024]

Code	Exemption/Privilege	Brief Description	Citation(s)
[1a]	Attorney-Client Privilege	A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by other means. Communications are protected by the privilege if the communications are: (1) confidential; (2) made between an attorney and the agency, i.e., employees of the agency or the agency as a client to render legal advice; and (3) made for the purpose of seeking, obtaining, or providing legal advice.	RCW 5.60.060(2) ; RCW 42.56.070(1)
[1b]	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 is exempt.	Hickman v. Taylor, 329 U.S. 495, 511; 67 S.Ct. 385 (1947) ; RCW 42.56.070(1) ; RCW 5.60.060(2) ; RCW 42.56.290
[1c]	Agency Party to Controversy	Records that are relevant to a controversy to which an agency is a party , but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts are exempt from public disclosure.	RCW 42.56.290
[1d]	Communication between Union Representative & Employee	Neither a union representative nor an employee the union represents or has represented shall be examined as to, or be required to disclose , any communication between an employee and union representative or between union representatives made in the course of union representation except.....	RCW 42.56.060(11)
[2a]	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 ; Hearst v. Hoppe, 90 Wn.2d 123, 135 (1978)
[3a]	Commercial Purpose	It is forbidden to give, sell or provide access to lists of individuals requested for commercial purposes	RCW 42.56.070(8)
[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 (e.g., positive performance evaluation, number of tax exemptions, employee deductions)	RCW 42.56.230(3)
[4b]	Information Required of Any Taxpayer for Assessment or Collection	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 RCWs 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)
[4c]	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, driver's license numbers	RCW 42.56.230(5) ; RCW 42.56.230(5) ; P.L. 93-579, 88 Stat. 1896 (1974) ; RCW 42.56.070(1)

[4d]	Return or Tax Information Exempt	Unless otherwise provided by RCW 82.32.330, the Department of Revenue or any other person MAY NOT DISCLOSE returns and tax information.	<p>RCW 82.32.330(2); RCW 42.56.230(3), (4); 26 U.S.C.A.</p> <p>§ 6103(a); RCW 42.56.070(1)</p>
[4e]	Trade Secrets	Financial, commercial, and proprietary information obtained within 5 years of the request when disclosure would produce private gain and public loss	RCW 42.56.270(1)
[5a]	Investigative Files - Open and Active/Individual Right to Privacy	The following is exempt from public disclosure: specific intelligence information and specific investigative records compiled by investigative, law enforcement, 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 <u>OR</u> for the protection of a person's right to privacy .	RCW 42.56.240(1); RCW 10.97.030 et seq.; RCW 42.56.050
[5b]	Personally Identifying Information - Witnesses/Victims	The following is exempt from public disclosure: information revealing the identity of persons who are witnesses to or victims of crime <u>OR</u> who file complaints with investigative, law enforcement, or penology agencies, other than the commission, IF disclosure would endanger ANY person's life, physical safety, or property . *If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern.	RCW 42.56.240(2); RCW 42.56.050
[5c]	Information in gang databases	Information contained in a local or regionally maintained gang database as well as the statewide gang database referenced in RCW 43.43.762 are exempt from disclosure.	RCW 42.56.240(6)
[5d]	Body Worn Camera Records	<p>(14) Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to privacy as described in RCW 42.56.050, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.</p> <p>(a) Disclosure of a body worn camera recording is presumed to be highly offensive to a reasonable person under RCW 42.56.050 to the extent it depicts:</p> <p>(i)(A) Any areas of a medical facility, counseling, or therapeutic program office where:</p> <p>(I) A patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment; or</p> <p>(II) Health care information is shared with patients, their families, or among the care team; or</p> <p>(B) Information that meets the definition of protected health information for purposes of the health insurance portability and accountability act of 1996 or health care information for purposes of chapter 70.02 RCW;</p> <p>(ii) The interior of a place of residence where a person has a reasonable expectation of privacy;</p> <p>(iii) An intimate image;</p> <p>(iv) A minor;</p> <p>(v) The body of a deceased person;</p> <p>(vi) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern; or</p> <p>(vii) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.</p>	RCW 42.56.240 (14)

[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)(a)
[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(1)(b)
[6c]	Employees/Volunteers - Certain Personal Information	The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency is exempt: residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, driver's license numbers, identicard numbers, payroll deductions including the amount and identification of the deduction and emergency contact information	RCW 42.56.250(1)(d) ; RCW 42.56.050
[6d]	Employees/Volunteers - Dependents of Employees or Volunteers of a Public Agency	FOR DEPENDENTS OF EMPLOYEES/VOLUNTEERS ONLY: The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency is exempt: the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency.	RCW 42.56.250(1)(d) ; RCW 42.56.050
[6e]	Unfair Practice - Discrimination/Investigations	Investigative records compiled by an employing agency in connection with an investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws or an employing agency's internal policies prohibiting discrimination or harassment in employment. Records are exempt in their entirety while the investigation is active and ongoing. After the agency has notified the complaining employee of the outcome of the investigation, the records may be disclosed only if the names of complainants, other accusers, and witnesses are redacted, unless a complainant, other accuser, or witness has consented to the disclosure of his or her name. The employing agency must inform a complainant, other accuser, or witness that his or her name will be redacted from the investigation records unless he or she consents to disclosure;	RCW 42.56.250(1)(f)
[6f]	Employees, Volunteers and Employees of Criminal Justice Agencies	Photographs and month and year of birth in the personnel files of employees or volunteers of a public agency, including employees and workers of criminal justice agencies as defined in RCW35 10.97.030* News media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth. For the purposes of this subsection, news media does not include any person or organization of persons in the custody of a criminal justice agency as defined in RCW 10.97.030	RCW 42.56.250(1)(h)
[6g]	Employee Personal Demographic details	Voluntarily submitted information collected and maintained by a state agency or higher education institution that identifies an individual state employee's personal demographic detail. "Personal demographic details" means race or ethnicity, sexual orientation as defined by RCW 49.60.040(26), immigration status, national origin, or status as a person with a disability. This exemption does not prevent the release of state employee demographic information in a deidentified or aggregate format	RCW 42.56.250(1)(l)

[6h]	Employee Personally Identifying Information-Victim of Domestic Violence or Sexual Assault	Any employee's name or other personally identifying information, including but not limited to birthdate, job title, addresses of work stations and locations, work email address, work phone number, bargaining unit, or other similar information, maintained by an agency in personnel-related records or systems, or responsive to a request for a list of individuals subject to the commercial purpose prohibition under RCW 42.56.070(8) , if the employee has provided (A) A sworn statement, signed under penalty of perjury and verified by the director of the employing agency or director's designee, that the employee or a dependent of the employee is a survivor of domestic violence as defined in RCW 10.99.020 or 7.105.010 , sexual assault as defined in RCW 70.125.030 or sexual abuse as defined in RCW 7.105.010 , stalking as described in RCW 9A.46.110 or defined in RCW 7.105.010 , or harassment as described in RCW 9A.46.020 or defined in RCW 7.105.010 , and notifying the agency as to why the employee has a reasonable basis to believe that the risk of domestic violence, sexual assault, sexual abuse, stalking, or harassment continues to exist. A sworn statement under this subsection expires after two years, but may be subsequently renewed by providing a new sworn statement to the employee's employing agency; or (B) Provides proof to the employing agency of the employee's participation or the participation of a dependent in the address confidentiality program under chapter 40.24 RCW.	RCW 42.56.250(1)(ii)
[6i]	Religious Affiliation	All records that relate to or contain personally identifying information about an individual's religious beliefs, practices, or affiliation are exempt from disclosure under this chapter.	RCW 42.56.235
[7a]	Real Estate Appraisals	Subject to the time limitations in subsection (2)..., the following documents relating to an agency's real estate transactions are exempt from public disclosure: (a) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property; (b) 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 increased price, including records prepared for executive session...; and (c) 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.... *The exemptions here do 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 for more than three years.	RCW 42.56.260
[9a]	Archaeological Sites	Records, maps, or other information that identifies the location of archaeological sites is exempt from disclosure for the purpose of avoiding the looting or depredation of such sites.	RCW 42.56.300
[10a]	Livestock, Animal, Aquaculture	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) ; RCW15.85.020
[11a]	Commercial Fish Catch Data	The commercial fishing catch data from logbooks required to be provided to WDFW when the 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. 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	Generally, sensitive fish and wildlife data is exempt from public disclosure. Exceptions include the following for fish, wildlife, land management purposes, or scientific research needs: government agencies; public utilities; accredited colleges and universities; tribal governments; or the owner, lessee, or right-of-way or easement holder of the private land to which the data pertains. Such data may be subject to a confidentiality agreement unless it is released to the owner, lessee, or right-of-way or easement holder of private land who initially provided the data. Sensitive fish and wildlife data must meet at least one of the following criteria: (a) the nesting sites or specific locations of endangered species..., or threatened or sensitive species classified by rule of WDFW; (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 Identifying Information of Recreational and Commercial License Holders	The personally identifying information of persons who acquire recreational licenses... or commercial licenses... is exempt from public disclosure, except name, address of contact used by the department, and type of license, endorsement, or tag.	RCW 42.56.430(5)
[11d]	Magnuson Stevens Act	Information that WDFW has received or accessed but may not disclose due to confidentiality requirements in the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 is exempt from public disclosure. <i>See</i> 16 U.S.C. § 1861 (h)(3) and (i); 16 U.S.C. § 1881a(b).	RCW 42.56.430(6)
[11e]	Non-Lethal Preventative Measures-Wolf	The following information regarding any damage prevention cooperative agreement, or nonlethal preventative measures deployed to minimize wolf interactions with pets and livestock is exempt from public disclosure: (a) the name, telephone number, residential address, and other personally identifying information of any person who has a current damage prevention cooperative agreement with the department, including a pet or livestock owner, and his/her employees or immediate family members, who agrees to deploy, or is responsible for the deployment of, nonlethal, preventative measures; and (b) the legal description or name of any residential property, ranch, or farm, that is owned, leased, or used by any person included in (a) of this subsection.	RCW 42.56.430(3)
[11f]	Wolf Depredation Reporting	The following information regarding a reported depredation by wolves on pets or livestock is exempt from public disclosure: (a) the name, telephone number, residential address, and other personally identifying information of: (i) any person who reported the depredation; (ii) any pet or livestock owner, or his/her employees or immediate family members, whose pet or livestock was the subject of a reported depredation; and (iii) any WDFW employee, range rider contractor, or trapper contractor who directly: (A) responds to a depredation; or (B) assists in the lethal removal of a wolf; and (b) the legal description, location coordinates, or name that identifies any residential property, or ranch or farm that contains a residence, that is owned, leased, or used by any person included in (a) of this subsection. or ranch or farm that contains a residence, that is owned, leased, or used by any person included in (a) of this subsection;	RCW 42.56.430(4)
[11g]	Tribal Fish & Shellfish	The following tribal fish and shellfish harvest information , shared with the department of fish and wildlife is exempt from public disclosure: (a) Fisher name; (b) Fisher signature; (c)total harvest value per species; (d) Total harvest value; (e) Price per pound; and (f) Tribal tax information	RCW 42.56.430(7)

[11h]	Commercial Shellfish Harvest	The following commercial shellfish harvest information , shared with the department of fish and wildlife is exempt from public disclosure: (a) Individual farmer name; (b) Individual farmer signature; (c) Total harvest value per species; (d) Total harvest value; (e) Price per pound; and (f) Tax information	<u>RCW 42.56.430(8)</u>
[14a]	Medical Information	Except as authorized elsewhere in this chapter, a health care provider, an individual who assists a health care provider in the delivery of health care, or an agency and employee of a health care provider may not disclose health care information about a patient to any person without the patient's authorization.	<u>45 CFR 164.502; RCW 42.56.070(1); RCW 70.02.005(2); RCW 70.02.020</u>
[15a]	Criminal History Record Information – Non-conviction Data	Criminal history record information which includes non-conviction data is releasable only under specific stipulations and is not generally releasable to the public.	<u>RCW 10.97.050 (3) - (6)</u>
[16a]	Records Relating to 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	<u>RCW 13.50.050(5), (6); RCW 42.56.070(1)</u>

[17a]	Abstract Driving Record	Specific driver's license information (abstract and certified copies of driving records) is protected information. 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]	State Motor Vehicle Records: Personal Information	Personal information and highly restricted personal information obtained by the department in connection with a motor vehicle may not be disclosed by a state department of motor vehicles, or any officer, employee, or contractor thereof.	18 U.S.C. §§ 2721, 2725(3); RCW 42.56.070(1)
[19a]	Mediation communications	Records of mediation communications that are privileged under chapter RCW 7.07	RCW 42.56.600
[20a]	Child Victims and Witnesses	Child victims and witnesses have the right to not have the names, addresses, or photographs of the living child victim or witness disclosed by any law enforcement agency without explicit permission.	RCW 7.69A.030(4); RCW 42.56.070(1)
[21a]	IT Security	The following is exempt from public disclosure: information regarding infrastructure and security of computer and telecommunication networks, consisting of security passwords, access codes, service recovery plans, security risk assessments, security test results, and other information that would increase risk to confidentiality, integrity, or availability of agency security, IT infrastructure or assets.	RCW 42.56.420(4)
[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
[12a]	Veteran's Discharge Papers - Not Commingled	The discharge papers of a veteran of the armed forces of the United States that are filed at the office of the county auditor before July 1, 2002, and are not commingled with other recorded documents, are exempt from public disclosure, except when the requestor is: the veteran, the veteran's next of kin, an executor or properly appointed personal representative of a deceased veteran's estate, a person holding the veteran's general power of attorney, or anyone designated by the veteran to receive the records.	RCW 42.56.440 (1)
[12b]	Veteran's Discharge Papers - Commingled	The discharge papers of a veteran of the armed forces of the United States that are filed at the office of the county auditor before July 1, 2002, and are commingled with other records are exempt from disclosure if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. Exceptions permit when the requestor is: the veteran filing the papers, the veteran's next of kin, a deceased veterans 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.	RCW 42.56.440 (2)
[12c]	Veteran's Discharge Papers - Filed After June 30, 2002	Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records.	RCW 42.56.440 (3)