

**REFERENCE LIST – PUBLIC RECORDS DISCLOSURE EXEMPTIONS**

RCW 42.56.070(2) – Each agency shall maintain a current list of statutes the agency believes exempt or prohibit disclosure of records of the agency. **This list is not exhaustive, but contains the exemptions that most frequently apply to the City’s records.**

<b>Statute</b>	<b>Exemption</b>
RCW 5.60.060(2)(a), attorney/client privilege	Exempts written communications between the City Attorney and management level employees of the City of Shelton
RCW 5.60.060(5), confidential informants	Exempts the identity of a confidential informant, but court may order disclosure
RCW 7.69A.050, address of child victim or witness	Prohibits the City from disclosing, without permission, the address of a child victim or witness of a violent crime, sexual assault, or abuse
RCW 10.97, Criminal Records Privacy Act	Prohibits the disclosure of “non-conviction data” contained in criminal history records (AKA “rap sheets”). If the arrest or charge ended in an acquittal or dismissal, it is “non-conviction information.” However: <ul style="list-style-type: none"> <li>• The info may be disclosed if the disposition (e.g., the acquittal) is also disclosed</li> <li>• The info may be disclosed to other law enforcement agencies</li> <li>• The info may be disclosed to victim, to assist in filing of civil action against perpetrator</li> </ul>
RCW 13.50.050, .100, juvenile records	Prohibits the disclosure of juvenile records other than the official juvenile court file. However: <ul style="list-style-type: none"> <li>• The City must keep school informed if a student is arrested</li> <li>• The City must disclose the identity of a perpetrator, and his parents, if victim requests</li> <li>• Records may be shared with agencies supervising the juvenile (e.g., CPS)</li> <li>• Records may be released if they do not identify the juvenile or his family</li> </ul>
RCW 42.56.230(2), personal information in employee files	Exempts information in files maintained for public employees, if disclosure would violate their right to privacy, i.e., it is highly offensive to a reasonable person <b>and</b> not of legitimate concern to the public. The following records may generally be withheld under this exemption: <ul style="list-style-type: none"> <li>• routine personnel evaluations with no findings of misconduct</li> <li>• the names of employees subject to unsubstantiated and unfounded investigations</li> <li>• the names of employees given letters of direction</li> </ul>

RCW 42.56.230(4), financial numbers in employee files	Exempts financial account numbers, such as bank account and credit card numbers, when information is contained in employee file.
RCW 42.56.240(1), non-disclosure “essential to effective law enforcement”	Exempts information contained in “specific investigative records”, when nondisclosure is “essential to effective law enforcement.” <ul style="list-style-type: none"> <li>• Open investigative files are <i>per se</i> exempt</li> <li>• Closed investigative files may be exempt if non-disclosure is essential to effective law enforcement (e.g., an accomplice remains to be apprehended)</li> </ul>
RCW 42.56.240(1), non-disclosure necessary to protect right to privacy	Exempts information contained in specific investigative records if necessary to protect anyone’s “right to privacy”—i.e., highly offensive and not of legitimate concern to public. <b>(Generally do third-party notification instead of withholding or redacting.)</b>
RCW 42.56.240(2), identity of victims/witnesses	Exempts personally-identifying information on victim or witness to crime if: (1) victim/witness requests non-disclosure at time of report; or (2) City has reasonable belief that disclosure would endanger the victim/witness
RCW 42.56.240(5), identity of child victim of sexual assault	Exempts disclosure of identity of child victims of sexual assault (name, address, location, photograph, and relationship to perpetrator)
RCW 42.56.250(1), employment	Exempts test questions and scoring keys for employment-related examinations
RCW 42.56.250(2), employment	Exempts applications for employment and materials “submitted with respect to an applicant”
RCW 42.56.250(3), employment	Exempts personal addresses, e-mail, phone numbers, cell numbers, social security numbers, and emergency contact info of employees and their dependents
RCW 42.56.280, preliminary drafts	Exempts preliminary drafts in which ideas are proposed or policies formulated, but when the City reaches a final decision on the matter, all drafts are subject to disclosure
RCW 46.12.380, vehicle license plates	Prohibits the City from “running a license plate” and disclosing the owner of a vehicle, except in limited circumstances
RCW 46.52.080, accident reports	Prohibits release of accident reports prepared by citizens, except on “need to know” basis
RCW 51.28.070, workers’ comp	Prohibits release of workers’ compensation files, except to employer, employee, or physician
RCW 68.50.105, autopsy records	Prohibits release of autopsy records, except to prosecutor, family, personal representative, etc.
RCW 70.02, health care	Prohibits release of health care information, except with consent
RCW 70.48.100, jail records	Prohibits release of jail records, including booking photos, except for official jail registry