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HOUSE BILL 1299

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State of Washington

63rd Legislature

2013 Regular Session

By Representatives Springer, Hunt, and Ryu; by request of Public Records Exemptions Accountability Committee

Read first time 01/22/13. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to implementing recommendations of the sunshine  
2 committee; and amending RCW 42.56.240 and 42.56.400.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 42.56.240 and 2012 c 88 s 1 are each amended to read  
5 as follows:

6 The following investigative, law enforcement, and crime victim  
7 information is exempt from public inspection and copying under this  
8 chapter:

9 (1) Specific intelligence information and specific investigative  
10 records compiled by investigative, law enforcement, and penology  
11 agencies, and state agencies vested with the responsibility to  
12 discipline members of any profession, the nondisclosure of which is  
13 essential to effective law enforcement or for the protection of any  
14 person's right to privacy;

15 (2) Information revealing the identity of persons who are witnesses  
16 to or victims of crime or who file complaints with investigative, law  
17 enforcement, or penology agencies, other than the commission, if  
18 disclosure would endanger any person's life, physical safety, or  
19 property. If at the time a complaint is filed the complainant, victim,

1 or witness indicates a desire for disclosure or nondisclosure, such  
2 desire shall govern. However, all complaints filed with the commission  
3 about any elected official or candidate for public office must be made  
4 in writing and signed by the complainant under oath;

5 (3) Any records of investigative reports prepared by any state,  
6 county, municipal, or other law enforcement agency pertaining to sex  
7 offenses contained in chapter 9A.44 RCW or sexually violent offenses as  
8 defined in RCW 71.09.020, which have been transferred to the Washington  
9 association of sheriffs and police chiefs for permanent electronic  
10 retention and retrieval pursuant to RCW 40.14.070(2)(b);

11 (4) License applications under RCW 9.41.070; copies of license  
12 applications or information on the applications may be released to law  
13 enforcement or corrections agencies;

14 (5) Information revealing the identity of child victims of sexual  
15 assault who are under age eighteen. Identifying information (~~(means)~~)  
16 includes, but is not limited to the child victim's name, address,  
17 location, photograph, and in cases in which the child victim is a  
18 relative or stepchild of the alleged perpetrator, identification of the  
19 relationship between the child and the alleged perpetrator;

20 (6) Information contained in a local or regionally maintained gang  
21 database as well as the statewide gang database referenced in RCW  
22 43.43.762;

23 (7) Data from the electronic sales tracking system established in  
24 RCW 69.43.165;

25 (8) Information submitted to the statewide unified sex offender  
26 notification and registration program under RCW 36.28A.040(6) by a  
27 person for the purpose of receiving notification regarding a registered  
28 sex offender, including the person's name, residential address, and e-  
29 mail address; and

30 (9) Personally identifying information collected by law enforcement  
31 agencies pursuant to local security alarm system programs and vacation  
32 crime watch programs. Nothing in this subsection shall be interpreted  
33 so as to prohibit the legal owner of a residence or business from  
34 accessing information regarding his or her residence or business.

35 **Sec. 2.** RCW 42.56.400 and 2012 2nd sp.s. c 3 s 8 are each amended  
36 to read as follows:

1 The following information relating to insurance and financial  
2 institutions is exempt from disclosure under this chapter:

3 (1) Records maintained by the board of industrial insurance appeals  
4 that are related to appeals of crime victims' compensation claims filed  
5 with the board under RCW 7.68.110;

6 (2) Information obtained and exempted or withheld from public  
7 inspection by the health care authority under RCW 41.05.026, whether  
8 retained by the authority, transferred to another state purchased  
9 health care program by the authority, or transferred by the authority  
10 to a technical review committee created to facilitate the development,  
11 acquisition, or implementation of state purchased health care under  
12 chapter 41.05 RCW;

13 (3) The names and individual identification data of either all  
14 owners or all insureds, or both, received by the insurance commissioner  
15 under chapter 48.102 RCW;

16 (4) Information provided under RCW 48.30A.045 through 48.30A.060;

17 (5) Information provided under RCW 48.05.510 through 48.05.535,  
18 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600  
19 through 48.46.625;

20 (6) Examination reports and information obtained by the department  
21 of financial institutions from banks under RCW 30.04.075, from savings  
22 banks under RCW 32.04.220, from savings and loan associations under RCW  
23 33.04.110, from credit unions under RCW 31.12.565, from check cashers  
24 and sellers under RCW 31.45.030(3), and from securities brokers and  
25 investment advisers under RCW 21.20.100, all of which is confidential  
26 and privileged information;

27 (7) Information provided to the insurance commissioner under RCW  
28 48.110.040(3);

29 (8) Documents, materials, or information obtained by the insurance  
30 commissioner under RCW 48.02.065, all of which are confidential and  
31 privileged;

32 (9) Confidential proprietary and trade secret information provided  
33 to the commissioner under RCW 48.31C.020 through 48.31C.050 and  
34 48.31C.070;

35 ~~(10) ((Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and~~  
36 ~~7.70.140 that, alone or in combination with any other data, may reveal~~  
37 ~~the identity of a claimant, health care provider, health care facility,~~

1 ~~insuring entity, or self-insurer involved in a particular claim or a~~  
2 ~~collection of claims. For the purposes of this subsection:~~  
3 ~~(a) "Claimant" has the same meaning as in RCW 48.140.010(2).~~  
4 ~~(b) "Health care facility" has the same meaning as in RCW~~  
5 ~~48.140.010(6).~~  
6 ~~(c) "Health care provider" has the same meaning as in RCW~~  
7 ~~48.140.010(7).~~  
8 ~~(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).~~  
9 ~~(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);~~  
10 ~~(11)) Documents, materials, or information obtained by the~~  
11 ~~insurance commissioner under RCW 48.135.060;~~  
12 ~~((12)) (11) Documents, materials, or information obtained by the~~  
13 ~~insurance commissioner under RCW 48.37.060;~~  
14 ~~((13)) (12) Confidential and privileged documents obtained or~~  
15 ~~produced by the insurance commissioner and identified in RCW 48.37.080;~~  
16 ~~((14)) (13) Documents, materials, or information obtained by the~~  
17 ~~insurance commissioner under RCW 48.37.140;~~  
18 ~~((15)) (14) Documents, materials, or information obtained by the~~  
19 ~~insurance commissioner under RCW 48.17.595;~~  
20 ~~((16)) (15) Documents, materials, or information obtained by the~~  
21 ~~insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and~~  
22 ~~(7)(a)(ii);~~  
23 ~~((17)) (16) Documents, materials, or information obtained by the~~  
24 ~~insurance commissioner in the commissioner's capacity as receiver under~~  
25 ~~RCW 48.31.025 and 48.99.017, which are records under the jurisdiction~~  
26 ~~and control of the receivership court. The commissioner is not~~  
27 ~~required to search for, log, produce, or otherwise comply with the~~  
28 ~~public records act for any records that the commissioner obtains under~~  
29 ~~chapters 48.31 and 48.99 RCW in the commissioner's capacity as a~~  
30 ~~receiver, except as directed by the receivership court;~~  
31 ~~((18)) (17) Documents, materials, or information obtained by the~~  
32 ~~insurance commissioner under RCW 48.13.151;~~  
33 ~~((19)) (18) Data, information, and documents provided by a~~  
34 ~~carrier pursuant to section 1, chapter 172, Laws of 2010;~~  
35 ~~((20)) (19) Information in a filing of usage-based insurance~~  
36 ~~about the usage-based component of the rate pursuant to RCW~~  
37 ~~48.19.040(5)(b); and~~

1           (~~(+21)~~) (20) Data, information, and documents, other than those  
2 described in RCW 48.02.210(2), that are submitted to the office of the  
3 insurance commissioner by an entity providing health care coverage  
4 pursuant to RCW 28A.400.275 and 48.02.210.

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