

# OSPI Public Records Exemption Log

Redaction Code	Redaction Reason Description	Statute/Rule
1a	<b>Student Personal Information:</b> Personal information in any files maintained for students in public schools are exempt from disclosure. Federal law also prohibits disclosure of personally identifiable information from education records without the consent of the student.	RCW 42.56.230(1); RCW 42.56.230(2)(a)(iii); RCW 42.56.070(1); 20 U.S.C. § 1232g; 34 CFR §99.3; 34 CFR §99.30; 34 CFR §99.31.
1b	<b>Parent Personal Information:</b> Personal information for the family members or guardians of a student is exempt if the information would result in disclosure of the personal information of the student. Emergency contact information of family members or guardians is also exempt. Federal law prohibits disclosure of personally identifiable information from education records without the consent of the student.	RCW 42.56.230(1); RCW 42.56.230(2)(a)(iv); RCW 42.56.070(1); 20 U.S.C. § 1232g; 34 CFR §99.3; 34 CFR §99.30; 34 CFR §99.31.
1c	<b>Other Student information:</b> Federal law prohibits disclosure of information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.	RCW 42.56.070(1); RCW 42.56.230(1); RCW 42.56.230(2); 34 CFR 99.30, 34 CFR 99.37(e); RCW 42.56.230(7)(a); 20 U.S.C. § 1232g; 34 CFR §99.31; 34 CFR §99.3.



Redaction Code	Redaction Reason Description	Statute/Rule
1d	<b>Student Data Count Less than 10:</b> To protect the privacy of students, the results of schools and districts that test fewer than ten students shall not be reported.	RCW 42.56.070(1); RCW 28A.655.090(7); 20 U.S.C. § 1232g; 34 CFR §99.3; 34 CFR §99.30; 34 CFR §99.60; 34 CFR §99.31.
2a	<b>Employee and/or Volunteer Personal Information:</b> 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: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, driver's license numbers, identicard numbers, payroll deductions including the amount and identification of the deduction, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency. Credit card numbers, 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); 42.56.250(1)(d); RCW 42.56.250(1)(h); 8 USC § 1324a(b)(5); RCW 42.56.230(3); RCW 50.13.020; RCW 42.56.410; 42 USC § 12112(d)(3); RCW 42.56.360(1)(j); RCW 42.56.330(5).
2b	<b>Employee Performance Evaluation and/or Professional Growth Plans:</b> Employee's performance evaluations with no discussion of specific incidents of misconduct is presumed to be highly offensive and of no legitimate concern to the public and the disclosure would violate their right to privacy. Professional growth plans (PGPs) in educator license renewals submitted through the eCert system are exempt.	RCW 42.56.050; RCW 42.56.230(3); RCW 42.56.250(1)(c).

Redaction Code	Redaction Reason Description	Statute/Rule
2c	<b>Public Employee Application Materials:</b> All applications for public employment (other than vacancies in elective office), including the names of applicants, resumes, and other related materials submitted with respect to an applicant are exempt.	RCW 42.56.250(1)(b).
2d	<b>Test Information:</b> Test questions, scoring keys, and other examination data used to administer a license, employment, or other academic examination are exempt.	RCW 42.56.250(1)(a).
2e	<b>Employee Right to Privacy:</b> Personal information maintained for employee, appointee, elected official to the extent disclosure violates right to privacy. A person's "right to privacy," "right of privacy," "privacy," or "personal privacy," 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.	RCW 42.56.230(3); RCW 42.56.050.
2f	<b>Employee Unsubstantiated Allegation of Misconduct:</b> The employee identity and identifiers in unsubstantiated allegations of sexual misconduct are exempt from production to protect the employee's right to privacy.	RCW 42.56.230(3); RCW 42.56.050.

Redaction Code	Redaction Reason Description	Statute/Rule
2g	<p><b>Investigation of a Violation of a Law Against Discrimination in Employment:</b> 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 are exempt from disclosure. 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.</p>	RCW 42.56.250(1)(f).
2h	<p><b>Identifying Information of a Whistleblower:</b> The identity of a reporting employee shall be kept confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing.</p>	RCW 42.56.070(1); RCW 42.41.030(7); RCW 42.40.040.
2i	<p><b>Worker's Compensation/Industrial Insurance:</b> Information contained in claim files and records of injured workers are deemed confidential (other than to public employees in the performance of their official duties) and shall not be open to public inspection. All information related to individual claims resolution structured settlement agreements other than final orders are private and exempt.</p>	RCW 42.56.070(1); RCW 51.28.070; RCW 51.04.063(13); RCW 42.56.230(8).

Redaction Code	Redaction Reason Description	Statute/Rule
2j	<p><b>Employee Confidentiality Program/Employee Victims of DV, SA, Stalking, Harassment:</b> An 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 prohibition, is exempt from disclosure, if the employee has provided: (A) a sworn statement that the employee or their dependent is a survivor of domestic violence, sexual assault, sexual abuse, stalking, or harassment, or (B) proof that the employee or their dependent is a participant in the address confidentiality program. The exemption does not apply to public records requests from the news media. Any documentation maintained by an agency to administer the exemption in RCW 42.56.250(1)(i) is exempt from disclosure under the Public Records Act and is confidential and may not be disclosed without consent of the employee who submitted the documentation.</p>	RCW 42.56.250(1)(i); RCW 42.56.250(1)(i)(ii).
3a	<p><b>Financial information:</b> Credit card numbers, debit card numbers, electronic check numbers, credit expiration dates, bank/other financial information as defined in RCW 9.35.005 including social security numbers are exempt except when disclosure is expressly required by or governed by other law.</p>	RCW 42.56.070(1); RCW 42.56.230(5); RCW 9.35.005; 5 USC §552(a); RCW 42.56.050.

Redaction Code	Redaction Reason Description	Statute/Rule
3b	<p><b>Identity Information:</b> Any record used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicard. Personal information including photograph, social security number, driver identification number, name, address (not zip code), telephone number, and medical or disability information may not be disclosed by a government agency who received such information from the Department of Licensing, except in particular instances defined in 18 USC § 2721(b).</p>	<p>RCW 42.56.070(1); RCW 42.56.230(5); RCW 9.35.005; RCW 42.56.230(7)(a); 18 USC §2721, 2725(3).</p>
3c	<p><b>Medical Records:</b> Disclosure of health care information without the patient's consent is prohibited in the Public Records Act (PRA). Disclosure must conform to the patient's written authorization. Any health care records obtained from a health care provider utilized to determine compliance with state or federal licensure, certification or registration rules or laws, or to investigate unprofessional conduct or ability to practice with reasonable skill and safety are exempt. Information regarding the medical condition or history of an employee or applicant shall be treated as confidential medical records. Records and documentation relating to certifications, recertifications, or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files.</p>	<p>RCW 42.56.070(1); RCW 70.02.050(2)(a); RCW 42.56.360(2), HIPAA, 45 CFR Part 160, 164; RCW 70.02.020(1); RCW 70.02.005(4) RCW 70.02.290; 42 USC §12112(d); 29 CFR 1630.14(c)(1); 29 CFR § 825.500(g); RCW 70.02.220(1); RCW 70.02.230; RCW 70.02.240; 42 CFR Part 2; 42 U.S.C.A. § 290dd-2; RCW 42.56.230(3); RCW 50.13.020; RCW 42.56.410; 42 USC § 12112(d)(3).</p>
3d	<p><b>Driver History:</b> Any person or entity receiving an abstract of a person's driving record shall use the abstract exclusively for his, her, or its own purposes or as otherwise expressly permitted and shall not divulge any information contained in the abstract to a third party.</p>	<p>RCW 42.56.070(1); RCW 46.52.130(4).</p>

Redaction Code	Redaction Reason Description	Statute/Rule
3e	<b>Religious Affiliation:</b> All records that relate to or contain personally identifying information about an individual's religious beliefs, practices, or affiliation are exempt from disclosure.	RCW 42.56.235.
3f	<b>Taxpayer Information:</b> Taxpayer information shall be kept confidential and may not be disclosed – includes a taxpayer's identity, the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability deficiencies, over-assessments, or tax payments.	RCW 42.56.050; RCW 42.56.230(4); RCW 42.56.070(1); RCW 82.32.330; 26 USC 6103(a).
4a	<b>Child Victim or Witnesses Identity:</b> Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.	RCW 42.56.070(1); RCW 42.56.240(5); RCW 7.69A.020; RCW 7.69A.030(4); RCW 7.69A.050; RCW 10.97.130; RCW 13.50.100.
4b	<b>Child Forensic Interview:</b> Any and all audio and video recordings of child forensic interviews are exempt from disclosure, are confidential, and may only be disclosed pursuant to a court order entered upon a showing of good cause and with advance notice to the child's parent, guardian, or legal custodian.	RCW 42.56.070(1); RCW 26.44.187; RCW 42.56.240(18).
4c	<b>Depiction of a Minor Engaged in Sexually Explicit Conduct</b> Disclosure of detailed descriptions of images depicting child pornography: (1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. The nondisclosure is essential for the protection of the child victim(s). It is a crime to disseminate a depiction of a minor engaged in sexually explicit conduct.	RCW 42.56.070(1); RCW 42.56.240(1); RCW 42.56.050; RCW 9.68A.050; RCW 9.68A.050; RCW 13.50; RCW 42.56.240(5).

Redaction Code	Redaction Reason Description	Statute/Rule
4d	<b>Body Worn Camera Recordings:</b> Body worn camera records are presumed to be highly offensive to a reasonable person if it depicts certain areas, activities, or people.	RCW 42.56.240(14); RCW 42.56.050.
4e	<b>Traffic Collision Reports:</b> Traffic collision reports required by officers to be prepared by drivers or passengers of vehicles involved in accidents are confidential and may only be released to specific individuals in specific circumstances.	RCW 42.56.070(1); RCW 46.52.080-085.
5a	<b>Non-conviction data:</b> Non-conviction information of criminal justice agencies may not be disclosed to the public.	RCW 42.56.070(1); RCW 10.97.030; RCW 10.97.050; RCW 10.97.080.
5b	<b>Background Checks:</b> Criminal history background records obtained by a business or organization cannot be disclosed to the public.	RCW 42.56.070(1); RCW 43.43.815(4); RCW 43.43.834(5).
5c	<b>Criminal History/FBI Rap Sheet:</b> These records may be used solely for the purpose requested and cannot be disseminated outside the receiving departments, related agencies, or other authorized entities.	RCW 42.56.070(1); 28 USC § 534(b); 28 CFR 20.38; 28 CFR 20.33; RCW 10.97.050; RCW 10.97.030; RCW 43.43.834(5); RCW 43.43.710; 28 CFR 513.20(b); 28 CFR 50.12(b).
5d	<b>Fingerprints:</b> Biometric identifiers may not be disclosed under the public records act, chapter 42.56 RCW.	RCW 42.56.070(1); RCW 40.26.020(5); RCW 40.26.020(7)(b).



Redaction Code	Redaction Reason Description	Statute/Rule
6a	<b>Valuable Formulae and Trade Secrets:</b> Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss. Reproduction of records prohibited under copyright law. Information that derives independent economic value from not being generally known and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.	RCW 42.56.070(1); RCW 42.56.270; RCW 19.108. et seq.; Federal Copyright Act, 17 U.S.C., sec. 102, 301, and 106(1).
6b	<b>Security:</b> Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities. Information that derives independent economic value from not being generally known and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. The release of which would increase risk to the confidentiality, integrity, or availability of security, information technology infrastructure, or assets.	RCW 42.56.070(1); RCW 42.56.420(4); RCW 19.108 et seq.
6c	<b>State Procurement Records:</b> Records related to state procurements are public records subject to disclosure except bid submissions and bid evaluations are exempt from disclosure until the agency announces the apparent successful bidder.	RCW 42.56.070(1); RCW 39.26.030.
7a	<b>Deliberative Process:</b> Preliminary drafts, notes, recommendations, intra-agency memos in which opinions are expressed, policies formulated or recommended are exempt, except that a specific record is not exempt when publicly cited by agency in connection with agency action. Records that relate to a deliberative process that is still on-going; disclosure would injure the deliberative or consultative function of the process; disclosure would inhibit the flow of recommendations, observations, and opinions; <b>AND</b> the records reflect policy recommendations and opinions, not facts.	RCW 42.56.280.
8a	<b>Mediation Privilege:</b> RCW 7.07.030 provides for confidentiality relating to mediations. RCW 42.56.290 provides for an exemption from disclosure things that are not discoverable when an agency is a party to controversy.	RCW 42.56.070(1); RCW 7.07; RCW 42.56.600; RCW 42.56.290.

Redaction Code	Redaction Reason Description	Statute/Rule
9a	<b>Attorney Client Privilege:</b> Communication between client and attorney for the purpose of obtaining or providing legal advice is exempt. Communications between attorney and client that reveals opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt.	RCW 42.56.070(1); RCW 5.60.060(2)(a); RCW 42.56.290; CR 26; See Hangartner v. City of Seattle, 151 Wn.2d 439, 90 P.3d 26 (2003).
9b	<b>Attorney Client Privilege:</b> Internal communications between clients that reflect matters about which the client intends to seek legal advice, or to gather information for attorney or convey attorney/client communications is exempt.	RCW 42.56.070(1); RCW 5.60.060(2)(a); RCW 42.56.290; CR 26; See Hangartner v. City of Seattle, 151 Wn.2d 439, 90 P.3d 26 (2003).
9c	<b>Attorney Work Product:</b> Records that reveal opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation. Communications that reveal opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation. Notes/memoranda/statements/records that reveal factual or investigative information prepared/collected/assembled in litigation or in anticipation of litigation. Drafts/notes/memoranda or research that reveals opinions/impressions of attorney or attorney's agent prepared, collected, assembled in litigation or anticipation of litigation.	RCW 42.56.070(1); RCW 5.60.060(2)(a); RCW 42.56.290; CR 26; See Hangartner v. City of Seattle, 151 Wn.2d 439, 90 P.3d 26 (2003).