

OSPI Public Records Exemption Log

Redaction Code	Redaction Reason Description	Statute/Rule
1a	Student Personal Information: 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); RCW 42.56.230 (7)(a); RCW 42.56.070(1); 20 U.S.C. § 1232g; 34 CFR §99.3; 34 CFR §99.31
1b	Parent Personal Information: 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); RCW 42.56.230 (7)(a); RCW 42.56.070(1); 20 U.S.C. § 1232g; 34 CFR §99.31
1c	Other Student information: 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 (7)(a); 20 U.S.C. § 1232g; 34 CFR §99.31; 34 CFR §99.3
1d	Student Data Count Less than 10: 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 §99.31



Redaction Code	Redaction Reason Description	Statute/Rule
2a	<p>Employee and/or Volunteer 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 from disclosure: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, driver's license numbers, identicard numbers, 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.</p>	<p>RCW 42.56.250(4); RCW 42.56.250(11); RCW 42.56.230(3); RCW 42.56.230 (7)(a); RCW 42.56.050; RCW 42.56.070(1); RCW 49.60.040(26); RCW 51.12.035; RCW 51.28.070; RCW 51.04.063(13); RCW 42.56.250(8)</p>
2b	<p>Employee Performance Evaluation and/or Professional Growth Plans: 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.</p>	<p>RCW 42.56.230(3); RCW 42.56.250(3)</p>
2c	<p>Applications for Employment: 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.</p>	<p>RCW 42.56.250(2)</p>
2d	<p>Test Information: Test questions, scoring keys, and other examination data used to administer a license, employment, or other academic examination are exempt.</p>	<p>RCW 42.56.250(1)</p>



Redaction Code	Redaction Reason Description	Statute/Rule
2e	Employee Right to Privacy: 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. Information regarding misconduct is not exempt.	RCW 42.56.230(3); RCW 42.56.050
2f	Employee Unsubstantiated Allegation of Misconduct: Identity of employee subject to an <i>unsubstantiated</i> internal investigation of misconduct, release of which violate the employee's right to privacy due to the highly offensive nature of the allegations. An unsubstantiated or false allegation relating to sexual misconduct is not an action taken by an employee during the course of performing public duties but a matter concerning the employee's private life; disclosure would violate the right to privacy.	RCW 42.56.230(3)
2g	Agency Investigative Records of Possible Unfair Practices: Ongoing investigations of possible unfair practice under Washington Law Against Discrimination (RCW 49.60) or a possible violation of other federal, state, or local laws prohibiting discrimination in employment are exempt in their entirety. Upon notification of the complaining employee, the records may be disclosed only if the names of complainants, other accusers, or witnesses are redacted unless a complainant, other accuser, or witness consented to the disclosure of their name. The agency must inform a complainant, other accuser, or witness that his or her name will be redacted from the investigation unless he or she consents to disclosure.	RCW 42.56.250(6); RCW 49.60
2h	Reporting Employee Identity: 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.	RCW 42.56.070(1); RCW 42.41.030(7)



Redaction Code	Redaction Reason Description	Statute/Rule
2i	Worker's Compensation/Industrial Insurance: 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.	RCW 51.28.070; RCW 51.04.063(13); RCW 42.56.23(8); RCW 42.56.070(1)
3a	Financial information: 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.	RCW 42.56.230(5); RCW 9.35.005; RCW 42.56.070(1); 5 USC §552(a); RCW 42.56.050.
3b	Identity Information: 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 identocard. 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).	RCW 42.56.230 (7)(a); RCW 42.56.070(1); 18 USC §2721, 2725(3)



Redaction Code	Redaction Reason Description	Statute/Rule
3c	<p>Medical Records: 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 70.02.050(2)(a); RCW 42.56.070(1); 42 USC §12112(d); 29 CFR 1630.14(c)(1); RCW 70.02.005(4); RCW 70.02.020(1); RCW 42.56.360(2); 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</p>
3d	<p>Driver History: 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 42.56.235; RCW 42.56.070(1); RCW 46.52.130(3)</p>
3e	<p>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.</p>	<p>RCW 42.56.235</p>
3f	<p>Taxpayer Identity: 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.</p>	<p>RCW 42.56.070(1); RCW 82.32.330; RCW 42.56.210(1); RCW 84.08.210; RCW 42.56.230(3); RCW 42.56.230(4); 26 USC 6103(a)</p>



Redaction Code	Redaction Reason Description	Statute/Rule
4a	Child Victim or Witnesses Identity: 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 42.56.240(5); RCW 7.69A.020; RCW 7.69A.030(4); RCW 7.69.050; RCW 10.97.130; RCW 10.52.100; RCW 42.56.070(1);
4b	Child Forensic Interview: 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 42.56.240(1); RCW 42.56.050; RCW 9.68A.050; RCW 42.56.070(1); RCW 9.68A.050; RCW 42.56.240(18); RCW 26.44.187; RCW 26.44.188; RCW 13.50
4c	Child Pornography: 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 42.56.240(1); RCW 42.56.050; RCW 9.68A.050; RCW 42.56.070(1); RCW 9.68A.050
4d	Body Worn Camera Recordings: 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)
4e	Traffic Collision Reports: 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



Redaction Code	Redaction Reason Description	Statute/Rule
5a	Non-conviction data: 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; RCW 43.43.815(4); RCW 43.43.830
5b	Criminal History/Background Records: Criminal history and/or background records obtained by a business or organization cannot be disclosed to the public.	RCW 42.56.070(1); RCW 43.43.830; RCW 43.43.815(4); RCW 43.43.834(5)
5c	FBI Rap Sheet: 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 CFR 513.20(b); 28 CFR 16.31
5d	Fingerprints and Fingerprint Results: 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 CFR 50.12(b); RCW 40.26
6a	Valuable Formulae and Trade Secrets: 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 42.56.270; RCW 19.108.010 et seq.; RCW 42.56.070(1); RCW 19.108; Federal Copyright Act, 17 U.S.C., sec. 102, 301, and 106(1)



Redaction Code	Redaction Reason Description	Statute/Rule
6b	Security: 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.	RCW 42.56.420(4); RCW 42.56.070(1); RCW 19.108 et seq.
6c	State Procurement Records: 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 39.26.030; RCW 42.56.070(1)
7a	Deliberative Process: 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; AND the records reflect policy recommendations and opinions, not facts.	RCW 42.56.280
8a	Mediation Privilege: 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 7.07; RCW 42.56.600; RCW 42.56.290; RCW 42.56.070(1)



Redaction Code	Redaction Reason Description	Statute/Rule
9a	<p>Attorney Client Privilege: Communication between client and attorney for the purpose of obtaining or providing legal advice is exempt. Communication between members of client agency for purpose of gathering information to obtain legal advice or convey attorney/client communications 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. Drafts/notes/memoranda, research regarding opinions/impressions of attorney or attorney's agent prepared, collected, assembled in litigation or in anticipation of litigation or in anticipation of litigation or related to client advice is exempt.</p>	RCW 5.60.060(2); RCW 42.56.290; RCW 42.56.070(1)

