

## Thurston PUD Public Records Exemption Codes

Exemption Reference No. (ERN)	Exemption	Exemption Explanatory Description	Statute/Rule
1	<b>ATTORNEY CLIENT PRIVILEGE/WORK PRODUCT</b>	These records reflect privileged attorney-client communication, and/or attorney work product which is protected from disclosure and has been redacted or withheld in their entirety per the following citations: RCW 42.56.290 – “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 disclosure under this chapter.” RCW 5.60.060(2)(a) – “An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.” RCW 42.56.070(1) – “Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (6) of this section, this chapter, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by this chapter, an agency shall delete identifying details in a manner consistent with this chapter when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.	RCW 42.56.290; RCW 5.60.060(2)(a); RCW 42.56.070(1)
2	<b>FINANCIAL ACCOUNT NUMBERS</b>	These records contain bank account or similar financial information which is protected from disclosure and has been redacted per the following citation: RCW 42.56.230(5) - Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.	RCW 42.56.230(5)
3	<b>DELIBERATIVE PROCESS</b>	These records, consisting of preliminary drafts, notes, recommendations, and/or intra-agency memorandums in which opinions are expressed or policies formulated or recommended, are protected from disclosure at this time and have been withheld in their entirety per the following citation: RCW 42.56.280 – “Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt under this chapter, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action.”	RCW 42.56.280
4	<b>EMPLOYEE APPLICATIONS &amp; ATTACHMENTS</b>	These records, consisting of applications for public employment and other related materials submitted with respect to an applicant, are protected from disclosure and have been withheld in their entirety per the following citation: RCW 42.56.250(2) – “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(2)
5	<b>EMPLOYEE &amp; VOLUNTEER OUTSIDE EMPLOYMENT DOCUMENTS</b>	These records contain private information of an employee or volunteer of the agency maintained in personnel files, public employment related records or volunteer rosters, are protected from disclosure and have been redacted per the following citation: RCW 42.56.230(3) – “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.”	RCW 42.56.230(3)
6	<b>EMPLOYEE PERFORMANCE EVALUATIONS (NOT CONTAINING SPECIFIC MISCONDUCT)</b>	These records, consisting of performance evaluations which do not discuss specific instances of misconduct, are protected from disclosure and have been withheld in their entirety per the following citation: RCW 42.56.230(3) – “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.”	RCW 42.56.230(3)
7	<b>EMPLOYEE, EMPLOYEE SPOUSE AND/OR DEPENDENT PRIVATE INFORMATION</b>	These records contain private information regarding an agency employee or volunteer, their spouse and/or dependents which are maintained in personnel files, public employment related records or volunteer rosters and protected from disclosure per the following citations: RCW 42.56.230(3) – “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.” RCW 42.56.250(3) – “The residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security 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 that are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.” RCW 42.56.250(8) – “Photographs and month and year of birth in the personnel files of employees and workers of criminal justice agencies as defined in RCW 10.97.030. The 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 42.56.23(3); RCW 42.56.250(3); RCW42.56.250(8); RCW 10.97.030; RCW 5.68.010(5); RCW 10.97.030; RCW 42.56.050
8	<b>SOCIAL SECURITY NUMBERS</b>	These records contain social security numbers which are protected from disclosure and have been redacted per the following citations: Title 5, Section 552(a) United States Regulations, Annotated Secs 102, 301, 106(1) RCW 42.56.070(1) – “Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (6) of this section, this chapter, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by this chapter, an agency shall delete identifying details in a manner consistent with this chapter when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.”	Title 5, Section 552(a) United States Regulations, Annotated Secs 102, 301, 106(1); RCW 42.56.070(1)
9	<b>DATA FOR EMPLOYMENT &amp; ACADEMIC EXAMS</b>	These records contain test questions, scoring keys, and/or other examination data used to administer a license, employment or academic examination, which are protected from disclosure and have been redacted or withheld in their entirety per the following citation: RCW 42.56.250(1) – “Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination”	RCW 42.56.250(1)
10	<b>EDUCATION RECORDS</b>	These records contain educational records, such as transcripts, which are exempt from disclosure and are withheld in their entirety per the following citations: FERPA 34 CFR Part 99 & 20 U.S.C. 1232g “The parent or eligible student shall provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from the student’s education records, except as provided in § 99.31.” RCW 42.56.230(1) “Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients” RCW 42.56.070(1) – “Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (6) of this section, this chapter, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by this chapter, an agency shall delete identifying details in a manner consistent with this chapter when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing”	FERPA 34 CFR Part 99 & 20 U.S.C. 1232g; RCW 42.56.230(1); RCW 42.56.070(1)

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11	<b>COPYRIGHT</b>	These records are protected by Federal Copyright law and may be inspected but not copied for release. They are withheld per the following citations: Federal Copyright Act, 17 U.S.C., Secs 102, 106(1), 301 RCW 42.56.070(1) – “Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (6) of this section, this chapter, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by this chapter, an agency shall delete identifying details in a manner consistent with this chapter when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing”	Federal Copyright Act, 17 U.S.C., Secs 102, 106(1), 301; RCW 42.56.070(1)
12		Financial and Proprietary Information Supplied to Specific Agencies: RCW 42.56.270(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;	RCW 42.56.270(2); RCW 47.60.680; RCW 47.60.750 RCW 47.28.070
13	<b>PUBLIC UTILITIES AND TRANSPORTATION RECORDS:</b>	(1) Commercial information filed with the Utilities and Transportation Commission or Attorney General – but these records may be disclosed after notice is provided to the subject and if they fail to obtain a court order to protect the records under RCW 80.04.095 or RCW 81.77.210; (2) Addresses, telephone numbers, electronic contact information and billing information for less than a billing cycle held by a public utility; (3) Individually identifiable records of members of a vanpool, carpool, or other ride-sharing program; (4) Identifying information of participants or applicants in a paratransit or other transit service operated for persons with disabilities or the elderly; (5) Identifying information of persons using transit passes or other fare payment media, except to an entity responsible for payment of any of the cost; (6) Information collected by use of motor carrier intelligent transportation system or equipment; (7) Identifying information of person using transponders to pay tolls; and (8) Identifying information of users of driver’s licenses or identicards including radio frequency identification chip or similar technology for border crossing (“enhanced” licenses).	RCW 42.56.330; RCW 42.56.335 RCW 80.04.095 RCW 81.77.210; (2)
14	<b>INSURANCE AND FINANCIAL INSTITUTION RECORDS</b>	RCW 42.56.400 exempts from production records to include the following records: (1) Board of Industrial Insurance Appeals records related to appeals of crime victims' compensation claims; (2) Health Care Authority records under RCW 41.05.026 transferred to another state purchased health care program, to a technical review committee created to acquire state purchased health care; (3) Identification of all owners or insureds received by the Insurance Commissioner under chapter 48.102 RCW; (4), (5) and (7) - (24) Information provided to the Insurance Commissioner under various legal requirements; (6) Examination reports and information obtained from regulated institutions by the Department of Financial Institutions;	RCW 42.56.400 RCW 41.05.026 RCW 18.102 (4), (5) and (7)-(24)
15	<b>BUSINESS LICENSING INFORMATION</b>	RCW 19.02.115 Licensing information created or obtained by the Department of Revenue in the business licensing process is confidential, privileged and exempt under RCW 19.02.115(2). As with tax information addressed in Chapter 2.2B4, the information is not subject to redaction and is withheld in its entirety. Exceptions apply to allow production of records to the licensee and authorized representative, provide statistical information, and sharing with other agencies and law enforcement. Information is made public on the Department of Revenue website and otherwise, identifying information not associated with protected information consisting of the name of licensee, entity type, trade name, business and mailing address, unified business identifier and list of licenses held with dates of opening, issuance and expiration dates.	RCW 19.02.115
16	<b>COMMUNICATION MADE TO A PUBLIC OFFICER IN OFFICIAL CONFIDENCE, WHEN THE PUBLIC INTEREST WOULD SUFFER BY DISCLOSURE</b>	RCW 5.60.060(5) (5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.	RCW 5.60.060(5)
17	<b>REAL ESTATE APPRAISALS AND CERTAIN OTHER REAL ESTATE LEASE OR PURCHASE RECORDS</b>	RCW 42.56.260 Real estate appraisals for or by an agency to buy or sell real property are exempt under the PRA for no more than three years. Also exempt are: documents prepared for considering the selection of a site when public knowledge would cause a likelihood of increased price, and documents prepared for considering the minimum price for sale or lease of real estate when public knowledge would cause a likelihood of decreased price, unless disclosure is mandated under another statute, or certain other actions with respect to the property have occurred.	RCW 42.56.260
18	<b>VALUABLE FORMULA, DESIGN, DRAWINGS, RESEARCH</b>	RCW 42.56.270(1): ""The following financial, commercial, and proprietary information is exempt from disclosure under this chapter: 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;"" Valuable formula or research data may include, for example, material in an unfunded grant proposal; including raw data and guiding hypotheses that structure data, and a cash flow analysis prepared by a consultant to assist an agency to negotiate lease rates for potential developers of agency properties. "	RCW 42.56.270(1)
19	<b>PUBLIC ASSISTANCE RECORDS</b>	RCW 74.04.060: In addition to the PRA exemption in RCW 42.56.230(1), the contents of records and communications for public assistance programs under Title 74 RCW are deemed privileged and confidential and exempted by RCW 74.04.060(1)(a). Information may be disclosed for purposes related to the administration of these programs. As a general exception to confidentiality, any person can ask whether someone is a current recipient of public assistance and receive a “yes or no” answer. Other entities receiving public assistance information to administer, regulate, or investigate the public assistance program must maintain the same degree of confidentiality. RCW 74.04.060(3). It is a gross misdemeanor to use a list of names for commercial or political purposes. RCW 74.04.060(4).	RCW 42.56.230(1) RCW 74.04.060(1)(a) RCW 74.04.060(3) RCW 74.04.060(4)

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20	<b>SECURITY</b>	<p>RCW 42.56.420 The following information relating to security is exempt from disclosure under this chapter: (1) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of: (a) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and (b) Records not subject to public disclosure under federal law that are shared by federal international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism; (2) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, or secure facility for persons civilly confined under chapter 71.09 RCW, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility, secure facility for persons civilly confined under chapter 71.09 RCW, or any individual's safety; (3) Information compiled by school districts or schools in the development of their comprehensive safe school plans under RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school; (4) Information regarding the public and private 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, and other such information the release of which may increase risk to the confidentiality, integrity, or availability of security, information technology infrastructure, or assets; (5) The system security and emergency preparedness plan required under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180; and (6) Personally identifiable information of employees, and other security information, of a private cloud service provider that has entered into a criminal justice information services agreement as contemplated by the United States department of justice criminal justice information services security policy, as authorized by 28 C.F.R. Part 20.</p>	<p>RCW 42.56.420 ; RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180</p>
21	<b>STUDENT PERSONAL INFORMATION</b>	<p>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.</p>	<p>RCW 42.56.230(1); RCW 42.56.230(2); RCW 42.56.070(1); RCW 42.56.230 (7)(a); 20 U.S.C. § 1232g; 34 CFR §99.31</p>