

List of Public Records Exemptions Commonly Applicable to SOS Records

Code	Exemption	Brief Explanatory Description	Statute/Rule/Case
[1a]	Attorney-Client Privilege – RCW 5.60.060(2)(a); RCW 42.56.070(1)	Communication from client to attorney for the purpose of obtaining legal advice	RCW 5.60.060(2)(a); RCW 42.56.070(1)
[1b]	Attorney-Client Privilege – RCW 5.60.060(2)(a); RCW 42.56.070(1)	Communication from attorney to client for the purpose of providing legal advice	RCW 5.60.060(2)(a); RCW 42.56.070(1)
[1c]	Attorney-Client Privilege – RCW 5.60.060(2)(a); RCW 42.56.070(1)	Communication between attorney and client regarding litigation	RCW 5.60.060(2)(a); RCW 42.56.070(1)
[1d]	Attorney-Client Privilege – RCW 5.60.060(2)(a); RCW 42.56.070(1)	Communication between attorneys that reflect attorney-client communications regarding advice	RCW 5.60.060(2)(a); RCW 42.56.070(1)
[1e]	Attorney-Client Privilege – RCW 5.60.060(2)(a); RCW 42.56.070(1)	Communication between attorneys that reflect attorney-client communications regarding litigation	RCW 5.60.060(2)(a); RCW 42.56.070(1)
[1f]	Attorney-Client Privilege – RCW 5.60.060(2)(a); RCW 42.56.070(1)	Communication between members of the client agency for the purpose of gathering information to obtain legal advice or to convey attorney-client communications	RCW 5.60.060(2)(a); RCW 42.56.070(1)
[2a]	Attorney Work Product Privilege – RCW 42.56.290	Drafts, notes, memoranda, or research reflecting the opinions or mental impressions of an attorney or attorney's agent prepared, collected, or assembled in litigation or in anticipation of litigation	RCW 42.56.290
[2b]	Attorney Work Product/ Work Product Privilege – RCW 42.56.290	Notes, memoranda, statements, records that reveal factual or investigative information prepared, collected, or assembled in litigation or in anticipation of litigation	RCW 42.56.290
[2c]	Attorney Work Product Privilege – RCW 42.56.290	Communication between attorney and client that reveals opinions or mental impression of attorney, or information prepared, collected, or assembled in litigation or in anticipation of litigation	RCW 42.56.290
[2d]	Attorney Work Product Privilege – RCW 42.56.290	Communication between attorneys that reveals opinions or mental impression of attorney, or information prepared, collected, or assembled in litigation or in anticipation of litigation	RCW 42.56.290
[3a]	Deliberative Process – RCW 42.56.280	Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action	RCW 42.56.280
[4a]	Public Employees – Applications – 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)
[4b]	Public Employees/Volunteers – Address; Phone; Email; SSN; Emergency Contact; Names and DOB (for dependents) – RCW 42.56.250(3)	Residential addresses, telephone numbers, electronic mail addresses, social security numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, addresses, telephone numbers, and electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency	RCW 42.56.250(3)
[4c]	Public Employees – Personal Information in Personnel Files – RCW 42.56.230(3); RCW 42.56.050	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
[5a]	Personal Information – Financial Information – RCW 42.56.230(5)	Credit card numbers, debit card numbers, electronic check numbers, credit expiration dates, or bank or other financial account numbers, including social security numbers, except when disclosure is expressly required by or governed by other law	RCW 42.56.230(5)
[5b]	Personal Information – Driver's License – RCW 42.56.230(7)(a)	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 identicaid	RCW 42.56.230(7)(a)

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[5c]	Personal Information – Social Security Numbers Generally – 5 U.S.C. sec. 552(a); RCW 42.56.070(1)	The Privacy Act of 1974 evinces Congress' intent that social security numbers are a private concern	5 U.S.C. sec. 552(a); RCW 42.56.070(1)
[5d]	Personal Information - Health Professionals - RCW 42.56.350	Social security number and current residential address and current residential telephone number of a health care provider are exempt from disclosure if the conditions in RCW 42.56.350 are met	RCW 42.56.350
[6a]	Health Care Information – General Federal – HIPAA – 45 CFR Part 160, 164; RCW 42.56.070(1)	A "covered entity" may not disclose "protected health information" about an individual without the individual's written authorization	45 CFR Part 160, 164; RCW 42.56.070(1)
[7a]	Investigative, law enforcement, and crime victims – Investigative Files – RCW 42.56.240(1)	Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy	RCW 42.56.240(1)
[8a]	Proprietary, Financial, and Commercial Information – Valuable Formulae – RCW 42.56.270(1)	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	RCW 42.56.270(1)
[8b]	Proprietary, Financial, and Commercial Information – Trade Secret – RCW 19.108.010 et seq.; RCW 42.56.070(1)	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 19.108.010 et seq.; RCW 42.56.070(1)
[8c]	Proprietary, Financial, and Commercial Information – Material Protected by Copyright – Federal Copyright Act, 17 U.S.C., sec. 102, 301, and 106(1); RCW 42.56.070 (1)	Reproduction of records prohibited under copyright law	Federal Copyright Act, 17 U.S.C., sec. 102, 301, and 106(1); RCW 42.56.070 (1)
[8d]	Proprietary, Financial, and Commercial Information – Vendor's Proprietary Information – RCW 42.56.270(11)	Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to DSHS for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.01	RCW 42.56.270(11)
[9a]	Criminal History – Non-conviction Data – RCW 10.97.050 & .030; RCW 42.56.070(1)	Non-conviction information may not be disclosed to the public	RCW 10.97.050 & .030; RCW 42.56.070(1)
[9b]	Criminal History – Background Checks – RCW 43.43.834(5), ; RCW 42.56.070(1)	Criminal history background records obtained by a state agency cannot be disclosed to the public	RCW 43.43.834(5); RCW 42.56.070(1)
[10a]	Security – Computer and Telecommunications Networks – RCW 42.56.420(4)	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, and other such information the release of which may increase risk to the confidentiality, integrity, or availability of agency security, information technology infrastructure, or assets;	RCW 42.56.420(4)