

# ***DEPARTMENT OF FINANCIAL INSTITUTIONS LIST OF EXEMPTIONS FROM PUBLIC DISCLOSURE***

## ***GENERAL PERSONAL AND OTHER EXEMPTIONS***

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RCW 42.56

A document often contains information that is exempt. The statute directs the department to delete or segregate the exempt material and make accessible the remainder of the document for examination and copying.

The following records that the Department may have may contain information that is exempt from public inspection and copying under the Public Records Act RCW 42.56:

- Personal information of employees or appointees of any public agency if disclosure would violate their right to privacy. (RCW 42.56.230)
- 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)
- Taxpayer information about an assessment or collection of any tax if the disclosure would violate the taxpayer's right to privacy, or result in unfair competitive disadvantage to the taxpayer. (RCW 42.56.230)
- 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 person's right to privacy. (RCW 42.56.240)
- Information revealing the identity of persons who witnessed or are victims of crime, or who file complaints with investigative agencies. Disclosure is exempt if it would endanger any person's life, physical safety or property. If at the time a complaint is filed, the complainant indicates a desire for disclosure or non-disclosure, such desire will govern. (RCW 42.56.240)
- Test questions, scoring keys, and other examination data used to administer a license. (RCW 42.56.260)
- Preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended. However, a specific record is not exempt when publicly cited by an agency in connection with any agency action. (RCW 42.56.280)
- Records which 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. (RCW 42.56.290)

- All applications for public employment, including the name of applicants, resumes, and other related materials. (RCW 42.56.250)
- 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 42.17.250)
- Information that identifies a person who, while an agency employee: (a) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter [49.60](#) RCW against the person; and (b) requests his or her identity or any identifying information not be disclosed. (RCW 42.56.250)
- Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter [49.60](#) RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment. (RCW 42.56.250).
- The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides. (RCW 42.56.330)
- The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons. (RCW 42.56.330)
- The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the

news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.(RCW 42.56.330)

- 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 (RCW 42.56.420)
  - 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
  - Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.
- 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. [RCW 42.56.420)

RCW 19.108

Uniform trade secrets act, records that meet the definition of a trade secret under the act.

A "trade secret" is any information (including a formula, pattern, compilation, program, device, method, technique, or process):

- That has independent economic value (actual or potential) *because* it is not generally known to or readily ascertainable by other persons who could obtain economic value from its disclosure or use; and
- That has been reasonably maintained in a manner to keep it secret.

Several of the DFI's chartered institutions and licensees have or claim trade secrets, including methods, techniques and processes of doing business that are not known to their competitors. These "trade secrets" often become part of the working papers of a regulatory examination. If not otherwise exempt as part of a confidential bank or credit union or broker-dealer or investment adviser examination, the "trade secrets" must be treated as exempt from disclosure pursuant to the Uniform Trade Secrets Act, Chapter 19.108 RCW.

In addition, the DFI maintains proprietary data, trade secrets, or other information that relates to vendors of the agency. (RCW 42.56.270)

***DEPARTMENT OF FINANCIAL INSTITUTIONS  
SELECTIVE LIST OF EXEMPTIONS FROM PUBLIC DISCLOSURE***

***GENERAL***

RCW 42.56.400 Examination reports and information from financial institutions exempt.

***BANKS***

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WAC 50-28-030 Personal financial statements and sections designated as confidential

RCW 30.04.075 Examination reports and information are confidential and privileged, penalty.

RCW 31.35.070 Agricultural lender examination reports and information are confidential.

RCW 32.04.220 Mutual Savings banks examination reports and information are confidential.

RCW 33.04.110 Savings and Loans examination reports and information are confidential and privileged, exceptions, limitations and procedure, penalty.

RCW 42.56.400 All information under chapter 31.24 RCW received from a business and industrial development corporation is confidential.

***CREDIT UNIONS***

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RCW 31.12.565 Examination reports and information received from credit unions and credit union service organizations are confidential and privileged, penalty.

## ***CONSUMER SERVICES***

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- WAC 208-630-040    Access for criminal history information for Check Cashers  
RCW 31.45.030    Information in the application, personal residential address or  
telephone number of the applicant is exempt.
- RCW 19.230.190    All information or reports obtained by the director from an  
applicant, licensee, or authorized delegate and all information  
contained in, or related to, examination, investigation, operating, or  
condition reports prepared by, on behalf of, or for the use of the  
director, or financial statements, balance sheets, or authorized  
delegate information, are confidential and are not subject to  
disclosure under chapter 42.56 RCW.
- RCW 31.45.030 (3)    Any information in the application regarding the licensee's personal  
& 31.45.077 (2)    residential address or telephone number, and any trade secrets of  
the licensee as defined under RCW 19.108.010 including any  
financial statement that is a trade secret, is exempt from the public  
records disclosure requirements of chapter 42.56 RCW.

## ***SECURITIES***

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- RCW 21.20.370    Statements of facts relating to investigations, publication  
information
- RCW 21.20.480    Unlawful use or disclosure of filed information
- RCW 21.20.510    Document filed when received, Register, Inspection of Register  
information (register of filed documents available to public)
- RCW 21.20.700    Investigations and examinations-additional authority
- RCW 21.20.855    Debenture companies-examination reports and information
- RCW 19.100.242    Franchise investment protection act, relating to investigations
- RCW 21.30.170    Commodity transactions Act-lists exemptions to public disclosure
- RCW 19.110.140    Business opportunity act, providing documents and records