



# Public Records Exemptions

Below are the most frequently used legal reasons why certain records cannot be shared or must be redacted.

Code	Exemption	Brief Explanatory Description	Statute/Rule/Case
01	Driver/Motor Vehicle Records: <ul style="list-style-type: none"> <li>• DOL photographs</li> <li>• Driver ID #</li> <li>• Name</li> <li>• Address</li> <li>• Phone Number</li> <li>• Medical/Disability Information</li> <li>• Social Security #</li> </ul>	Highly restricted personal information about any individual obtained by the department in connection with a driver/motor vehicle record without the express consent of the person to whom such information applies shall not be disclosed...highly restricted personal information” means an individual’s photograph or image, social security number, driver identification number, name, address, phone number, medical/disability information.	Driver’s Privacy Protection Act – 18 USC 123 Sec. 2721(b)(11) & (12); 18 USC 123 Sec 2725(3); 18 USC 2722(a) and RCW 42.56.230(7)
02	National Crime Information Center (NCIC) Reports and Restricted Files	Proper access to, use, and dissemination of data from NCIC restricted files shall be consistent with the access, use, and dissemination policies concerning the III described in Title 28, Part 20, CFR and the NCIC Operating Manual. The restricted files shall be protected as Criminal History Record Information.	RCW 10.97.030, .040 & .050; RCW 42.56.070(1); RCW 43.43.834(5); RCW 43.43.710; 28 CFR 513.20(b) and (c); 28 USC Sec 534(b); RCW 10.97.120. Secondary dissemination is prohibited
03	Criminal History	Information contained in the files and records of the section relative to the commission of any crime by any person shall be considered privileged and shall not be made public or disclosed. Non-conviction information may not be produced to the public. Any law enforcement agency that received information under this rule may not disseminate such information outside of such agency.	RCW 10.97.030, .040 & .050; RCW 42.56.070(1); RCW 43.43.834(5); RCW 43.43.710; 28 CFR 513.20(b) and (c); 28 USC Sec 534(b); RCW 10.97.120.
04	Social Security Numbers	Social Security account numbers and related records that are obtained or maintained by authorized persons pursuant to a provision or law enacted on or after October 1, 1990, shall be confidential, and no authorized person shall disclose any such social security account number or related record.	42 USC Sec 405(c)(2)(C)(viii)(I); 5 USC Sec. 552(a); RCW 42.56.070(1)
05	Abstract of Driving Record	Specific driver’s license information (abstract and certified copies of driving records) is protected.	RCW 46.52.130
06	Vehicle Registration Information	The name or address of an individual vehicle or vessel owner shall not be released.	RCW 46.12.635

07	Financial Information	Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, social security numbers, bank or other financial information identified in RCW 9.35.005. Account balances and transactional information.	RCW 42.56.230(4), (5), and (6); RCW 9.35.005(1)(a)(b)(c)
08	Jail Records and Booking Photographs	The records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies.	RCW 70.48.100(2)(4)(a)
09	Identity of Witness, Complainant, or Victim – name or photograph	Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern.	RCW 42.56.240(2)
10	Identity of Confidential Informants	Disclosure of an informant's identity shall not be required where the informant's identity is a prosecution secret and a failure to disclose will not infringe upon the constitutional rights of the defendant. Disclosure of the identity of witnesses to be produced at a hearing or trial shall not be denied.	Washington State Courts Rule CrR4.7(f)(2); RCW 5.60.060(5)
11	Body Worn Camera Images for Protection of Right to Privacy	Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to privacy as described in RCW 42.56.050, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.	RCW 42.56.240(14)
12	Attorney-Client Privilege and Attorney Work Product	Communication to and from client or attorney for the purpose of obtaining legal advice. 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 42.56.210; RCW 42.56.290; RCW 42.56.070(1); CR 26
13	Child Victims and Witnesses	Child victims and witnesses have the right to not have their names, addresses, nor photographs of the living child victim or witness disclosed.	RCW 7.69A.030(4)

14	Identity of Child Victims of Sexual Assault	Information revealing the specific details that describe an alleged or proven child victim of sexual assault under age eighteen, or the identity or contact information of an alleged or proven child victim of sexual assault who is under age eighteen. Identifying information includes the child victim's name, addresses, location, photograph, and in cases in which the child victim is a relative, stepchild, or stepsibling of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Contact information includes phone numbers, email addresses, social media profiles, and user names and passwords.	RCW 42.56.240(5); RCW 7.69A.030(4), .050; RCW 10.52.100; RCW 10.97.130
15	Child Forensic Interviews (Audio or Video)	Any and all audio or video recordings of child forensic interviews as defined in chapter 26.44 RCW. Such recordings 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. However, if the child is an emancipated minor or has attained the age of majority as defined in RCW 26.28.010, advance notice must be to the child.	RCW 42.56.240(18)
16	Healthcare, Including Mental Health Services Records	Health care information is personal and sensitive information that if improperly used or released may do significant harm to a patient's interests in privacy, health care, or other interests. It is the public policy of this state that a patient's interest in the proper use and disclosure of the patient's health care information survives even when the information is held by persons other than health care providers.	RCW 10.77.210; RCW 70.02.005(4), .020, .030, .230 and .270; HIPAA; 45 CFR Part 160, 164
17	GPS Data Indicating Location Public Employee Residence	The global positioning system data that would indicate the location of the residence of an employee or worker of a criminal justice agency as defined in RCW 10.97.030.	RCW 42.56.240(13); 42.56.250(9)
18	Autopsy Records	Reports and records of autopsies or postmortems shall be confidential.	RCW 68.50.105 & RCW 11.02.005
19	Postmortem Photographs	Right to privacy for which disclosure would be highly offensive and there is no legitimate public concern.	RCW 42.56.050
20	Juvenile Records	All records other than the official juvenile court file are confidential.	RCW 13.50; Deer v. Department of Social and Health Services 122 Wn. App. 84 (2004); Amber Wright v. State of Washington, Department of Social and Health Services 176, Wn. App.585 (2013)

21	Computer and Telecommunications Security	Regarding the public and private infrastructure and security of computer and telecommunications networks, consisting of security passwords, access codes and programs.	RCW 42.56.420
22	Crime Victim benefits	Information regarding victims of crimes – compensation, assistance.	RCW 7.68.140; RCW 7.68.145
23	Non-Business-Related Emails – Public Employees	Personal emails or messages sent on a county device may be “public record” if the county has some use or purpose in retaining them, such as retention for termination or litigation. However, if the content is personal, unrelated to a government purpose and of no public interest, the content is exempt from public disclosure.	RCW 42.56.230(1)(2), <i>Tiberino v. Spokane County</i> , 103 Wn. App. 680, 13 P.3d 1104 (2000)
24	Public Employees/ Volunteers	All applications for public employment other than for vacancies in elective office, including names of applicants, resumes and related materials. 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, telephone numbers, personal email addresses, SSN’s, driver’s license numbers, payroll deductions, emergency contact info and dependents info.	RCW 42.56.250(2) and (4)
25	Right to Privacy	A person’s right to 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 42.56.050. <i>Bainbridge Island Police Guild v. City of Puyallup</i> , 172 Wash.2d 398 (2011)
26	Employment Security Department Records	Information related to employment security is exempt from disclosure.	RCW 50.13; RCW 42.56.410
27	Child Support Records	Information and records concerning individuals who owe a support obligation or for who support enforcement services are being provided.	RCW 26.23.120
28	Child Welfare Records	Child welfare records are confidential and exempted from the PRA. Other agencies authorized to exchange information with Child Welfare Services may not further disseminate or release the information.	RCW 13.50.100, <i>Deer v. Dep’t of Social &amp; Health Servs</i> , 122 Wash. App 84, 93 P.3d 195 (2004), <i>Wright v. State</i> , 176 Wash. App 585, 309 P.3d 662 (2013), RCW 26.44.030(9)