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DECLARATION OF SERVICE

On this day I served a copy of the document on which this declaration appears by email transmission to:

**Michael D. McLaughlin, Atty for Parkwood**  
michael@mdmwalaw.com

**Michael Spence, Attorney for S.O.S.**  
mspence@helsell.com

**Robert Bilow**  
Millrow26@gmail.com

**Andy Murphy/LeAnne Bremer, Attys for Tribe**  
Andy.murphy@millernash.com  
Leanne.bremer@millernash.com

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed at Sequim, WA this 14<sup>th</sup> day of September, 2020.

  
\_\_\_\_\_  
Erika Hamerquist, Secretary/Tellina Sandaine, Paralegal

OFFICE OF THE HEARING EXAMINER  
IN AND FOR THE CITY OF SEQUIM

RE: CDR20-001 )  
 )  
Consolidated Administrative Appeals )  
of January 24, 2020 Notice of ) File No. CDR20-001  
Determination of Procedure Type: )  
May 15, 2020 Director's Report and ) DECLARATION OF SARA MCMILLON,  
Staff Decision; and May 11, 2020 ) CITY CLERK  
MDNS for Jamestown S'Klallam Tribe )  
Outpatient Clinic )  
 )  
 )

Under penalty of perjury under the laws of the State of Washington, Sara McMillon hereby states that she is over 18 years of age and makes the following declarations from personal knowledge and belief:

- 1. I am the City Clerk for the City of Sequim.

- 1 2. I have 14 years and 9 months of experience as a City Clerk and have been  
2 employed by the City of Sequim since December 2, 2019.
- 3 3. I am the Public Records Officer for the City of Sequim, Washington.
- 4 4. I reviewed the Petitioner (sic) Save Our Sequim's Motion to Stay Proceeding  
5 Pending Public Records Act Compliance and exhibits submitted by Michael  
6 Spence to the Hearing Examiner on September 3, 2020. I am responding  
7 concerning the City of Sequim's compliance with state laws governing public  
8 records.
- 9 5. In his Statement of Facts, Mr. Spence references a public records request (PRR)  
10 submitted on September 9, 2020; this date is in error since his motion was filed  
11 September 3, 2020.
- 12 6. Based on the language Mr. Spence quoted, he appears to be referencing a PRR  
13 submitted on September 23, 2019. However, the exhibits he attached were not  
14 the records produced in response to the September 23, 2019 PRR.
- 15 7. The exhibits Mr. Spence included in his motion were produced in response to a  
16 PRR submitted by the Helsell Fetterman law firm on January 27, 2020, which  
17 stated "This request includes, but is not limited to, all correspondence, letters,  
18 emails, notes, documents, and records in the possession, custody, or control of  
19 the City of Sequim (the "City"), or any department or governing body thereof.  
20 The terms "document" and "documents" as used herein have the same meaning  
21 as "writing" under Revised Code of Washington (RCW) 42.56.010(4), and  
22 include emails, voicemails, telephonic text messages, and telephonic picture  
23 messages. Pursuant to this request, please provide any and all documents  
24 (including those in electronic or other format and archives) relating to or relevant  
25 to the Notice of Determination of Procedure Type for File No. CDR20-001,  
dated January 24, 2020, including, but not limited to, the name of all parties  
involved in the authorship of the same." A true and correct copy of this PRR is  
attached as **Exhibit A** and incorporated by reference.
8. In conducting a records search, I located a large volume of records relating to or  
relevant to the determination. I produced them for requester in installments. In  
order to provide the records to the requester in the most expedient manner, I

1 released those records that were clearly not exempt from disclosure as a priority  
2 and reserved a subset of records for closer examination for exemptions. As a  
3 standard practice, any redacted or withheld records and the required explanation  
4 for those redactions and withholdings are provided as a final installment. A true  
5 and correct copy of all the records partially or fully redacted, the redaction log  
6 and the correspondence sent to the requester together with the redacted records,  
7 is attached as **Exhibit B** and incorporated by reference. For convenience I have  
8 added a red number to each record to assist in examination.

9  
10 9. Contained within the PRR fulfillment letter that was included with the records  
11 that were electronically produced for Mr. Spence is a link to a document that  
12 cites the specific laws pertaining to the exemption codes relied upon for  
13 redactions and a brief explanation of why the exempted material meets that  
14 exemption. A true and correct copy of this exemption log is included as **Exhibit**  
15 **C** and incorporated by reference.

16 10. The PRR fulfillment in Exhibit B meets all requirements in RCW 42.56.210. A  
17 true and correct copy of this RCW is attached as **Exhibit D** and incorporated by  
18 reference.

19 11. The PRR fulfillment in Exhibit B follows Washington Administrative Code  
20 (WAC) 44-14-04004. A true and correct copy of this WAC is attached as  
21 **Exhibit E** and incorporated by reference.

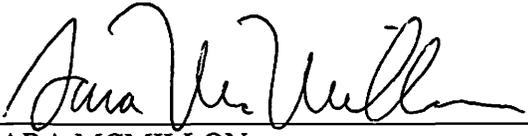
22 12. In accordance with RCW 42.56.210, the exemption log in Exhibit B provides a  
23 statement of the specific exemption authorizing the redaction of the record and a  
24 brief explanation of how the exemption applies to the record withheld. A more  
25 specific explanation of how the exemptions applied was provided in Exhibit C,  
which was included in the PRR fulfillment letter. While the redaction log itself  
does not provide the type of record, its date and number of pages, or the author  
or recipient of the record, all of this information was provided to Mr. Spence as it  
is clearly visible in the redacted records themselves, consistent with WAC 44-14-  
04004. This WAC does not require a redaction log or prescribe a specific format  
for this log but states a letter or other method of transmitting the information can  
be used. As specifically permitted by WAC 44-14-04004, the City of Sequim

1 properly provided a brief explanation by having a code for each statutory  
2 exemption, placing that code on the redacted material, and attaching a list of  
3 codes and the brief explanations with the agency's response.

4 13. The memos found in Mr. Spence's Exhibit B-1 and B-2 are not unidentified  
5 records, but are attachments to email, and the title of these records are located  
6 within the email records. Mr. Spence was provided with sufficient information to  
7 make a threshold determination of whether the claimed exemption is proper by  
8 reading the title of the documents. The redactions performed on Mr. Spence's  
9 Exhibits B-1 and B-2 were necessary to comply with state law and could not  
10 have been performed in some other way. On these documents there is no other  
11 unexempt descriptor that Mr. Spence could have used to make a threshold  
12 determination of whether the claimed exemption is proper, other than the  
13 unredacted words "Attorney Client Privilege." The language below these  
14 unredacted words is fully exempt from disclosure.

15 14. I am confident that I acted in good faith in producing these records and  
16 performing redactions. I used a software application called "GovQA" also used  
17 by many other jurisdictions in Washington State. This software application  
18 provided me with a method and format I trusted to be in compliance with public  
19 records laws, and upon further inspection, I find this method and format to be  
20 compliant. Should I be required to provide information in a different format, I  
21 am fully prepared to act expediently to comply.

22 SIGNED under penalty of perjury under the laws of the State of Washington on the 11th  
23 day of September, 2020, at Sequim, Washington.

24   
25 SARA MCMILLON  
City Clerk

**HELSELL  
FETTERMAN**

January 27, 2020

Michael A. Spence  
*Attorney At Law*  
EMAIL: [mspence@helsell.com](mailto:mspence@helsell.com)  
DIRECT DIAL: 206-689-2167

David L. Tran  
*Attorney At Law*  
EMAIL: [dtran@helsell.com](mailto:dtran@helsell.com)  
DIRECT DIAL: 206-689-2161

**VIA EMAIL ONLY:** [PRArequests@sequimwa.gov](mailto:PRArequests@sequimwa.gov)

City of Sequim  
Attn: City of Sequim Public Records Officer/Clerk's Office  
152 West Cedar Street  
Sequim, Washington 98382

***Re: Public Records Act, Ch. 42.56 RCW***

To Whom It May Concern:

This firm represents Save Our Sequim, a large group of citizens concerned about the proposed Jamestown S'Klallam Medication Assisted Treatment Clinic. Pursuant to the Public Records Act (PRA), ch. 42.56 RCW, we submit this request for public records.<sup>1</sup>

This request includes, but is not limited to, all correspondence, letters, emails, notes, documents, and records in the possession, custody, or control of the City of Sequim (the "City"), or any department or governing body thereof. The terms "document" and "documents" as used herein have the same meaning as "writing" under RCW 42.56.010(4),<sup>2</sup> and include emails, voicemails, telephonic text messages, and telephonic picture messages.

Pursuant to this request, please provide any and all documents (including those in electronic or other format and archives) relating to or relevant to the Notice of Determination of Procedure Type for File No. CDR20-001, dated January 24, 2020, including, but not limited to, the name of all parties involved in the authorship of the same.

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<sup>1</sup> The term "public record" includes "any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." RCW 42.56.010(3) (emphasis added).

<sup>2</sup> The PRA defines "writing" as: "handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated." RCW 42.56.010(4) (emphasis added).

City of Sequim  
January 27, 2020  
Page 2

If the City refuses to make available for inspection and copying any of the records requested above, please provide a statement of the specific exemption upon which the City relies to withhold each record (or part thereof), together with an explanation of how the exemption applies to the record withheld, as required by RCW 42.56.210(3).

We look forward to your prompt response. Please let me know by phone (206.689.2167) or email (mspence@helsell.com) if you have any questions about this request, or if you believe we may be able to simplify your task in responding to this request by clarifying any of the items above.

We will pay reasonable copying costs under RCW 42.56.120; however, if the number of pages of documents to be provided in response to this request exceeds one thousand, please let us know before you incur the expense of copying them, so that we can reconsider whether to request copies or, instead, make other arrangements to inspect them.

Very truly yours,

HELSELL FETTERMAN LLP



Michael A. Spence

MAS:byk:lb

## Sara McMillon

---

**Sent:** Monday, October 28, 2019 2:55 PM  
**To:** Kristina Nelson-Gross; Barry Berezowsky  
**Subject:** RE: Proposed Jamestown S'Klallam Drug Treatment/Detoxification Center - attorney-client privilege - do not disclose/forward

Nope

Thanks,

Charlie Bush

*City Manager*



152 W. Cedar Street  
Sequim, WA 98382  
(360) 681-3440 office  
(360) 565-6415 cell  
[www.sequimwa.gov](http://www.sequimwa.gov)

---

**From:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Sent:** Monday, October 28, 2019 2:50 PM **#1**  
**To:** Barry Berezowsky <[bberezowsky@sequimwa.gov](mailto:bberezowsky@sequimwa.gov)>; Charlie Bush <[cbush@sequimwa.gov](mailto:cbush@sequimwa.gov)>  
**Subject:** RE: Proposed Jamestown S'Klallam Drug Treatment/Detoxification Center - attorney-client privilege - do not disclose/forward

28H

---

**From:** Barry Berezowsky <[bberezowsky@sequimwa.gov](mailto:bberezowsky@sequimwa.gov)>  
**Sent:** Monday, October 28, 2019 2:49 PM **#2**  
**To:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>; Charlie Bush <[cbush@sequimwa.gov](mailto:cbush@sequimwa.gov)>  
**Subject:** RE: Proposed Jamestown S'Klallam Drug Treatment/Detoxification Center - attorney-client privilege - do not disclose/forward

28H

---

**From:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Sent:** Monday, October 28, 2019 2:43 PM **#3**  
**To:** Barry Berezowsky <[bberezowsky@sequimwa.gov](mailto:bberezowsky@sequimwa.gov)>; Charlie Bush <[cbush@sequimwa.gov](mailto:cbush@sequimwa.gov)>  
**Subject:** FW: Proposed Jamestown S'Klallam Drug Treatment/Detoxification Center - attorney-client privilege - do not disclose/forward

*Hi guys,*

28H

Kristina

---

**From:** Choi, Anita H. <[achoi@helsell.com](mailto:achoi@helsell.com)>  
**Sent:** Thursday, October 24, 2019 12:50 PM  
**To:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Cc:** Spence, Michael A. <[mspence@helsell.com](mailto:mspence@helsell.com)>; Tran, David L. <[DTran@helsell.com](mailto:DTran@helsell.com)>  
**Subject:** Proposed Jamestown S'Klallam Drug Treatment/Detoxification Center

Dear Ms. Nelson-Gross:

Attached please find correspondence regarding the above-referenced matter. If you wish to discuss, kindly contact Michael Spence or David Tran directly. Thank you!

Best regards,  
Anita Choi

**Anita H. Choi | Helsell Fetterman LLP**

Legal Secretary  
1001 Fourth Avenue, Suite 4200  
Seattle, WA 98154

Direct 206.689.2115  
Fax 206.340.0902  
Email [achoi@helsell.com](mailto:achoi@helsell.com)  
Web [www.helsell.com](http://www.helsell.com)

**Sara McMillon**

---

**Sent:** Monday, October 28, 2019 2:49 PM **#4**  
**To:** Kristina Nelson-Gross; Charlie Bush  
**Subject:** RE: Proposed Jamestown S'Klallam Drug Treatment/Detoxification Center - attorney-client privilege - do not disclose/forward

28H

---

**From:** Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Sent:** Monday, October 28, 2019 2:43 PM **#5**  
**To:** Barry Berezowsky <bberezowsky@sequimwa.gov>; Charlie Bush <cbush@sequimwa.gov>  
**Subject:** FW: Proposed Jamestown S'Klallam Drug Treatment/Detoxification Center - attorney-client privilege - do not disclose/forward

*Hi guys,*

28H

Kristina

---

**From:** Choi, Anita H. <[achoi@helsell.com](mailto:achoi@helsell.com)>  
**Sent:** Thursday, October 24, 2019 12:50 PM  
**To:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Cc:** Spence, Michael A. <[mspence@helsell.com](mailto:mspence@helsell.com)>; Tran, David L. <[DTran@helsell.com](mailto:DTran@helsell.com)>  
**Subject:** Proposed Jamestown S'Klallam Drug Treatment/Detoxification Center

Dear Ms. Nelson-Gross:

Attached please find correspondence regarding the above-referenced matter. If you wish to discuss, kindly contact Michael Spence or David Tran directly. Thank you!

Best regards,  
Anita Choi

**Anita H. Choi | Helsell Fetterman LLP**

Legal Secretary  
1001 Fourth Avenue, Suite 4200  
Seattle, WA 98154

Direct 206.689.2115  
Fax 206.340.0902  
Email [achoi@helsell.com](mailto:achoi@helsell.com)  
Web [www.helsell.com](http://www.helsell.com)

## Sara McMillon

---

**From:** Barry Berezowsky  
**Sent:** Friday, July 19, 2019 7:37 AM  
**To:** Ted Miller; Kristina Nelson-Gross  
**Cc:** Charlie Bush  
**Subject:** RE: MAT mtg

Agreed, we have starting drafting amendments to Title 20 and should be able to have it ready for Council review in the fall.

BB

---

**From:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Sent:** Thursday, July 18, 2019 9:03 PM  
**To:** Barry Berezowsky <[bberezowsky@sequimwa.gov](mailto:bberezowsky@sequimwa.gov)>; Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Cc:** Charlie Bush <[cbush@sequimwa.gov](mailto:cbush@sequimwa.gov)>  
**Subject:** Re: MAT mtg

Barry,  
Your analysis agrees with mine. The City Council should be deleted from the A-1 box unless the city council wants to change the choice of appeal authority.

-- Ted

---

**From:** Barry Berezowsky <[bberezowsky@sequimwa.gov](mailto:bberezowsky@sequimwa.gov)>  
**Sent:** Thursday, July 18, 2019 2:44 PM  
**To:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>; Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Cc:** Charlie Bush <[cbush@sequimwa.gov](mailto:cbush@sequimwa.gov)>  
**Subject:** RE: MAT mtg

Hi Ted,

My read of this section takes the Council out of an appeal role for any Type A-1 and Type A-2 administrative permit due to the footnotes as referenced by Kristina and SMC 20.01.090 Administrative approvals subject to notice (Type A-2)- Process overview. "(E) Appeal Procedures. An applicant or other party of record who may be aggrieved by the administrative decision may appeal the decision to the **board of adjustment**, (emphasis added) provided, that a written appeal is filed in conformance with SMC [20.01.240](#)" and SMC 18.24.038 Appeals " The decision of the director of community development shall be final unless, within 21 days from the date of the decision, the applicant or any other party with standing files an appeal. The appeal shall be filed in conformance with the appeal process established in SMC [20.01.240](#), **Appeals**. **Appeals of any administrative decision shall be made to a hearing officer**, (emphasis added) the costs for which shall be paid by the applicant. **Appeals** of hearing officer's decision shall be made to the Clallam County superior court. (Ord. 2011-017 § 1; Ord. 2009-011 § 2 (Exh. B); Ord. 2008-007 § 2)"

I might be missing something, but I can't find a way to read the above code language and conclude that the "City Council", while listed in Table 1 as the Appeal Authority for Type A-1 & A-2 permits, actually has any path under current code language to fulfill that role.

BB

---

**From:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Sent:** Thursday, July 18, 2019 2:03 PM  
**To:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Cc:** Barry Berezowsky <[bberezowsky@sequimwa.gov](mailto:bberezowsky@sequimwa.gov)>; Charlie Bush <[cbush@sequimwa.gov](mailto:cbush@sequimwa.gov)>  
**Subject:** RE: MAT mtg

#6

Hi Ted,



28B

K

---

**From:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Sent:** Thursday, July 18, 2019 1:02 PM  
**To:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Subject:** Re: MAT mtg

#7

Kristina,



28A

-- Ted

---

**From:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Sent:** Wednesday, July 17, 2019 5:10 PM  
**To:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Cc:** Charlie Bush <[cbush@sequimwa.gov](mailto:cbush@sequimwa.gov)>; Barry Berezowsky <[bberezowsky@sequimwa.gov](mailto:bberezowsky@sequimwa.gov)>  
**Subject:** RE: MAT mtg

#8

Hi Ted,



28B

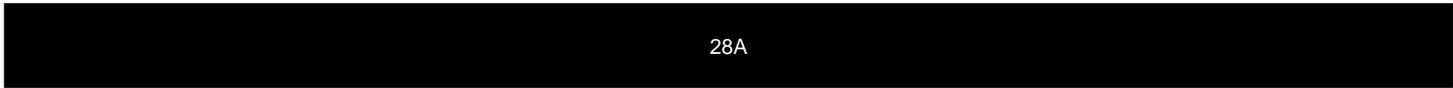
Kristina

---

**From:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Sent:** Wednesday, July 17, 2019 4:36 PM  
**To:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Subject:** MAT mtg

**#9**

Kristina,



28A

-- Ted

## Sara McMillon

---

**From:** Ted Miller  
**Sent:** Thursday, July 18, 2019 9:03 PM  
**To:** Barry Berezowsky; Kristina Nelson-Gross  
**Cc:** Charlie Bush  
**Subject:** Re: MAT mtg

Barry,

Your analysis agrees with mine. The City Council should be deleted from the A-1 box unless the city council wants to change the choice of appeal authority.

-- Ted

---

**From:** Barry Berezowsky <bberezowsky@sequimwa.gov>  
**Sent:** Thursday, July 18, 2019 2:44 PM  
**To:** Ted Miller <tmiller@sequimwa.gov>; Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Cc:** Charlie Bush <cbush@sequimwa.gov>  
**Subject:** RE: MAT mtg

Hi Ted,

My read of this section takes the Council out of an appeal role for any Type A-1 and Type A-2 administrative permit due to the footnotes as referenced by Kristina and SMC 20.01.090 Administrative approvals subject to notice (Type A-2)- Process overview. "(E) Appeal Procedures. An applicant or other party of record who may be aggrieved by the administrative decision may appeal the decision to the **board of adjustment**, (emphasis added) provided, that a written appeal is filed in conformance with SMC [20.01.240](#)" and SMC 18.24.038 Appeals " The decision of the director of community development shall be final unless, within 21 days from the date of the decision, the applicant or any other party with standing files an appeal. The appeal shall be filed in conformance with the appeal process established in SMC [20.01.240](#), Appeals. **Appeals of any administrative decision shall be made to a hearing officer**, (emphasis added) the costs for which shall be paid by the applicant. Appeals of hearing officer's decision shall be made to the Clallam County superior court. (Ord. 2011-017 § 1; Ord. 2009-011 § 2 (Exh. B); Ord. 2008-007 § 2)"

I might be missing something, but I can't find a way to read the above code language and conclude that the "City Council", while listed in Table 1 as the Appeal Authority for Type A-1 & A-2 permits, actually has any path under current code language to fulfill that role.

BB

---

**From:** Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Sent:** Thursday, July 18, 2019 2:03 PM  
**To:** Ted Miller <tmiller@sequimwa.gov>  
**Cc:** Barry Berezowsky <bberezowsky@sequimwa.gov>; Charlie Bush <cbush@sequimwa.gov>  
**Subject:** RE: MAT mtg

**#10**

Hi Ted,

Thanks!  
K

---

**From:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Sent:** Thursday, July 18, 2019 1:02 PM  
**To:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Subject:** Re: MAT mtg

**#11**

Kristina,



28A

-- Ted

---

**From:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Sent:** Wednesday, July 17, 2019 5:10 PM  
**To:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Cc:** Charlie Bush <[cbush@sequimwa.gov](mailto:cbush@sequimwa.gov)>; Barry Berezowsky <[bberezowsky@sequimwa.gov](mailto:bberezowsky@sequimwa.gov)>  
**Subject:** RE: MAT mtg

**#12**

Hi Ted,



28B

Thanks,

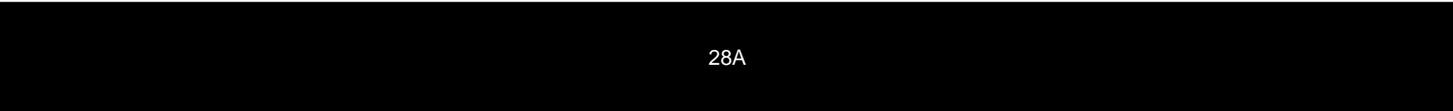
Kristina

---

**From:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Sent:** Wednesday, July 17, 2019 4:36 PM  
**To:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Subject:** MAT mtg

**#13**

Kristina,



28A

-- Ted

## Sara McMillon

---

**From:** Barry Berezowsky  
**Sent:** Thursday, July 18, 2019 2:45 PM  
**To:** Ted Miller; Kristina Nelson-Gross  
**Cc:** Charlie Bush  
**Subject:** RE: MAT mtg

Hi Ted,

My read of this section takes the Council out of an appeal role for any Type A-1 and Type A-2 administrative permit due to the footnotes as referenced by Kristina and SMC 20.01.090 Administrative approvals subject to notice (Type A-2)- Process overview. “(E) Appeal Procedures. An applicant or other party of record who may be aggrieved by the administrative decision may appeal the decision to the **board of adjustment**, (emphasis added) provided, that a written appeal is filed in conformance with SMC [20.01.240](#)” and SMC 18.24.038 Appeals “ The decision of the director of community development shall be final unless, within 21 days from the date of the decision, the applicant or any other party with standing files an appeal. The appeal shall be filed in conformance with the appeal process established in SMC [20.01.240](#), Appeals. **Appeals of any administrative decision shall be made to a hearing officer**, (emphasis added) the costs for which shall be paid by the applicant. Appeals of hearing officer’s decision shall be made to the Clallam County superior court. (Ord. 2011-017 § 1; Ord. 2009-011 § 2 (Exh. B); Ord. 2008-007 § 2)”

I might be missing something, but I can’t find a way to read the above code language and conclude that the “City Council”, while listed in Table 1 as the Appeal Authority for Type A-1 & A-2 permits, actually has any path under current code language to fulfill that role.

BB

---

**From:** Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Sent:** Thursday, July 18, 2019 2:03 PM  
**To:** Ted Miller <tmiller@sequimwa.gov>  
**Cc:** Barry Berezowsky <bberezowsky@sequimwa.gov>; Charlie Bush <cbush@sequimwa.gov>  
**Subject:** RE: MAT mtg

**#14**

Hi Ted,

28B

Thanks!  
K

---

**From:** Ted Miller <tmiller@sequimwa.gov>  
**Sent:** Thursday, July 18, 2019 1:02 PM  
**To:** Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Subject:** Re: MAT mtg

**#15**

Kristina,

28A

-- Ted

---

**From:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Sent:** Wednesday, July 17, 2019 5:10 PM  
**To:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Cc:** Charlie Bush <[cbush@sequimwa.gov](mailto:cbush@sequimwa.gov)>; Barry Berezowsky <[bberezowsky@sequimwa.gov](mailto:bberezowsky@sequimwa.gov)>  
**Subject:** RE: MAT mtg

**#16**

Hi Ted,



28B

Thanks,

Kristina

---

**From:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Sent:** Wednesday, July 17, 2019 4:36 PM  
**To:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Subject:** MAT mtg

**#17**

Kristina,



28A

-- Ted

## Sara McMillon

---

**From:** Kristina Nelson-Gross  
**Sent:** Thursday, July 18, 2019 2:03 PM  
**To:** Ted Miller  
**Cc:** Barry Berezowsky; Charlie Bush  
**Subject:** RE: MAT mtg

**#18**

Hi Ted,

28B

Thanks!  
K

---

**From:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Sent:** Thursday, July 18, 2019 1:02 PM  
**To:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Subject:** Re: MAT mtg

**#19**

Kristina,

28A

-- Ted

---

**From:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Sent:** Wednesday, July 17, 2019 5:10 PM  
**To:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Cc:** Charlie Bush <[cbush@sequimwa.gov](mailto:cbush@sequimwa.gov)>; Barry Berezowsky <[bberezowsky@sequimwa.gov](mailto:bberezowsky@sequimwa.gov)>  
**Subject:** RE: MAT mtg

**#20**

Hi Ted,

28B

Thanks,

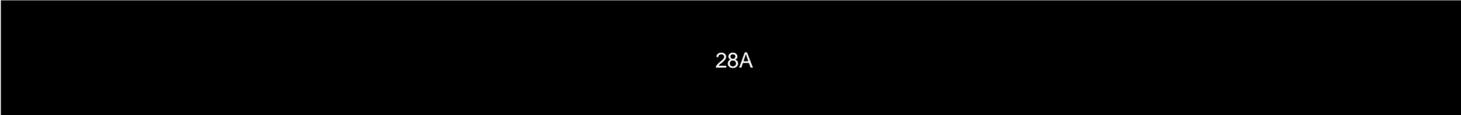
Kristina

---

**From:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Sent:** Wednesday, July 17, 2019 4:36 PM  
**To:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Subject:** MAT mtg

**#21**

Kristina,



28A

-- Ted

## Sara McMillon

---

**Sent:** Thursday, July 18, 2019 2:34 PM  
**To:** Ted Miller; Kristina Nelson-Gross  
**Cc:** Charlie Bush  
**Subject:** RE: MAT mtg

Hi Ted,

My read of this section takes the Council out of an appeal role for any Type 1 and Type 2 administrative permit due to the footnotes as referenced by Kristina and SMC 20.01.090 Administrative approvals subject to notice (Type A-2)- Process overview. “(E) Appeal Procedures. An applicant or other party of record who may be aggrieved by the administrative decision may appeal the decision to the **board of adjustment**;(emphasis added) provided, that a written appeal is filed in conformance with SMC [20.01.240](#)” and SMC 18.24.038 Appeals “ The decision of the director of community development shall be final unless, within 21 days from the date of the decision, the applicant or any other party with standing files an appeal. The appeal shall be filed in conformance with the appeal process established in SMC [20.01.240](#), Appeals. **Appeals of any administrative decision shall be made to a hearing officer**, (emphasis added) the costs for which shall be paid by the applicant. Appeals of hearing officer’s decision shall be made to the Clallam County superior court. (Ord. 2011-017 § 1; Ord. 2009-011 § 2 (Exh. B); Ord. 2008-007 § 2)”

I might be missing something, but I can’t find a way to read the above code language and conclude that the “City Council”, while listed in Table 1 as the Appeal Authority for Type 1 & 2 permits, actually has any path under current code language to fulfill that role.

BB

---

**From:** Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Sent:** Thursday, July 18, 2019 2:03 PM  
**To:** Ted Miller <tmiller@sequimwa.gov>  
**Cc:** Barry Berezowsky <bberezowsky@sequimwa.gov>; Charlie Bush <cbush@sequimwa.gov>  
**Subject:** RE: MAT mtg

**#22**

Hi Ted,

28B

Thanks!  
K

---

**From:** Ted Miller <tmiller@sequimwa.gov>  
**Sent:** Thursday, July 18, 2019 1:02 PM  
**To:** Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Subject:** Re: MAT mtg

**#23**

Kristina,

28A

-- Ted

---

**From:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Sent:** Wednesday, July 17, 2019 5:10 PM  
**To:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Cc:** Charlie Bush <[cbush@sequimwa.gov](mailto:cbush@sequimwa.gov)>; Barry Berezowsky <[bberezowsky@sequimwa.gov](mailto:bberezowsky@sequimwa.gov)>  
**Subject:** RE: MAT mtg

**#24**

Hi Ted,



28B

Thanks,

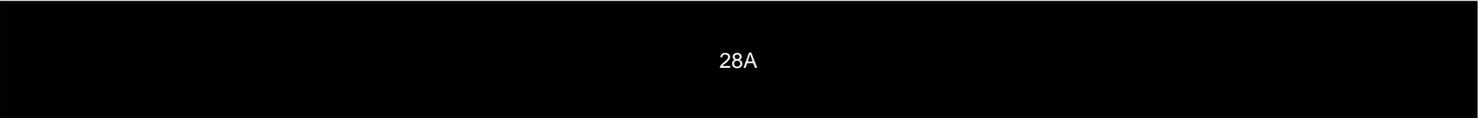
Kristina

---

**From:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Sent:** Wednesday, July 17, 2019 4:36 PM  
**To:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Subject:** MAT mtg

**#25**

Kristina,



28A

-- Ted

**Sara McMillon**

---

**From:** Ted Miller  
**Sent:** Thursday, July 18, 2019 1:02 PM  
**To:** Kristina Nelson-Gross  
**Subject:** Re: MAT mtg

**#26**

Kristina,



28A

-- Ted

---

**From:** Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Sent:** Wednesday, July 17, 2019 5:10 PM  
**To:** Ted Miller <tmiller@sequimwa.gov>  
**Cc:** Charlie Bush <cbush@sequimwa.gov>; Barry Berezowsky <bberezowsky@sequimwa.gov>  
**Subject:** RE: MAT mtg

**#27**

Hi Ted,



28B

Thanks,

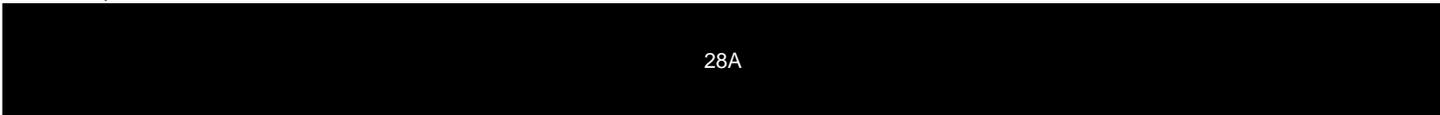
Kristina

---

**From:** Ted Miller <tmiller@sequimwa.gov>  
**Sent:** Wednesday, July 17, 2019 4:36 PM  
**To:** Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Subject:** MAT mtg

**#28**

Kristina,



28A

-- Ted

## Sara McMillon

---

**From:** Kristina Nelson-Gross  
**Sent:** Wednesday, July 17, 2019 5:11 PM  
**To:** Ted Miller  
**Cc:** Charlie Bush; Barry Berezowsky  
**Subject:** RE: MAT mtg

**#29**

Hi Ted,



28B

Thanks,

Kristina

---

**From:** Ted Miller <tmiller@sequimwa.gov>  
**Sent:** Wednesday, July 17, 2019 4:36 PM  
**To:** Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Subject:** MAT mtg

**#30**

Kristina,



28A

-- Ted

**Sara McMillon**

---

**From:** Ted Miller  
**Sent:** Wednesday, July 17, 2019 4:36 PM  
**To:** Kristina Nelson-Gross  
**Subject:** MAT mtg

**#31**

Kristina,

28A

-- Ted

**Sara McMillon**

---

**From:** Kristina Nelson-Gross  
**Sent:** Monday, July 15, 2019 4:31 PM  
**To:** DG\_All\_CityCouncil **#32**  
**Cc:** Barry Berezowsky  
**Subject:** MAT - public discussions - attorney-client privilege do not disclose/forward

Good afternoon Council,



28B

Kind regards,

Kristina

## Sara McMillon

---

**From:** Kristina Nelson-Gross  
**Sent:** Wednesday, July 10, 2019 3:04 PM  
**To:** Charlie Bush; Dennis Smith  
**Cc:** Barry Berezowsky  
**Subject:** RE: Question

**#33**

28B

---

**From:** Charlie Bush  
**Sent:** Wednesday, July 10, 2019 2:31 PM  
**To:** Dennis Smith <dsmith@sequimwa.gov>  
**Cc:** Kristina Nelson-Gross <knelson-gross@sequimwa.gov>; Barry Berezowsky <bberezowsky@sequimwa.gov>  
**Subject:** RE: Question

I'm copying Kristina and Barry in case I'm wrong on this, but it is my understanding that if they were to put it into tribal trust land, which is a process that takes about a year and an act of Congress, then our land use regulations would not apply to the site. They have not discussed taking that action. Our land use regulations apply otherwise.

Thanks,

Charlie Bush

*City Manager*



152 W. Cedar Street  
Sequim, WA 98382  
(360) 681-3440 office  
(360) 565-6415 cell  
[www.sequimwa.gov](http://www.sequimwa.gov)

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**From:** Dennis Smith  
**Sent:** Wednesday, July 10, 2019 12:26 PM  
**To:** Charlie Bush <[cbush@sequimwa.gov](mailto:cbush@sequimwa.gov)>  
**Subject:** Question

Charlie,

Had an interesting question posed today. If/when the Tribe buys the property behind COSTCO; Does that then become sovereign tribal land with all the applicable jurisdictional applications?

Dennis

# Redaction Log

Total Number of Redactions in Document: 33

## Redaction Reasons by Page

Page	Reason	Description	Occurrences
1	28H	RCW 42.56.290. 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.	2
2	28H	RCW 42.56.290. 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.	1
3	28H	RCW 42.56.290. 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.	2
6	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	2
6	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	1
7	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	1
8	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	1
9	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	2
9	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	1
10	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	1

## Redaction Log

Page	Reason	Description	Occurrences
10	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	1
11	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	1
11	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	1
12	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	2
12	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	1
13	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	1
14	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	1
14	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	1
15	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	1
15	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	1
16	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	2
16	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	1

## Redaction Log

Page	Reason	Description	Occurrences
17	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	1
17	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	1
18	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	1
19	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	1
20	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	1

# Redaction Log

## Redaction Reasons by Exemption

Reason	Description	Pages (Count)
28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	7(1) 6(1) 9(2) 11(1) 10(1) 12(1) 13(1) 14(1) 15(1) 16(2) 17(1) 18(1)
28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	6(2) 9(1) 8(1) 11(1) 10(1) 12(2) 14(1) 15(1) 16(1) 17(1) 19(1) 20(1)
28H	RCW 42.56.290. 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.	2(1) 1(2) 3(2)

**Sara McMillon**

---

**To:** Kristina Nelson-Gross  
**Cc:** Charlie Bush; Tim Woolett  
**Subject:** MAT Typing memo  
**Attachments:** Typing memo.docx

28H

Redaction Date: 8/12/2020 6:20:21 PM

## Redaction Log

Total Number of Redactions in Document: 1

### Redaction Reasons by Page

Page	Reason	Description	Occurrences
1	28H	RCW 42.56.290. 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.	1

Redaction Date: 8/12/2020 6:20:21 PM

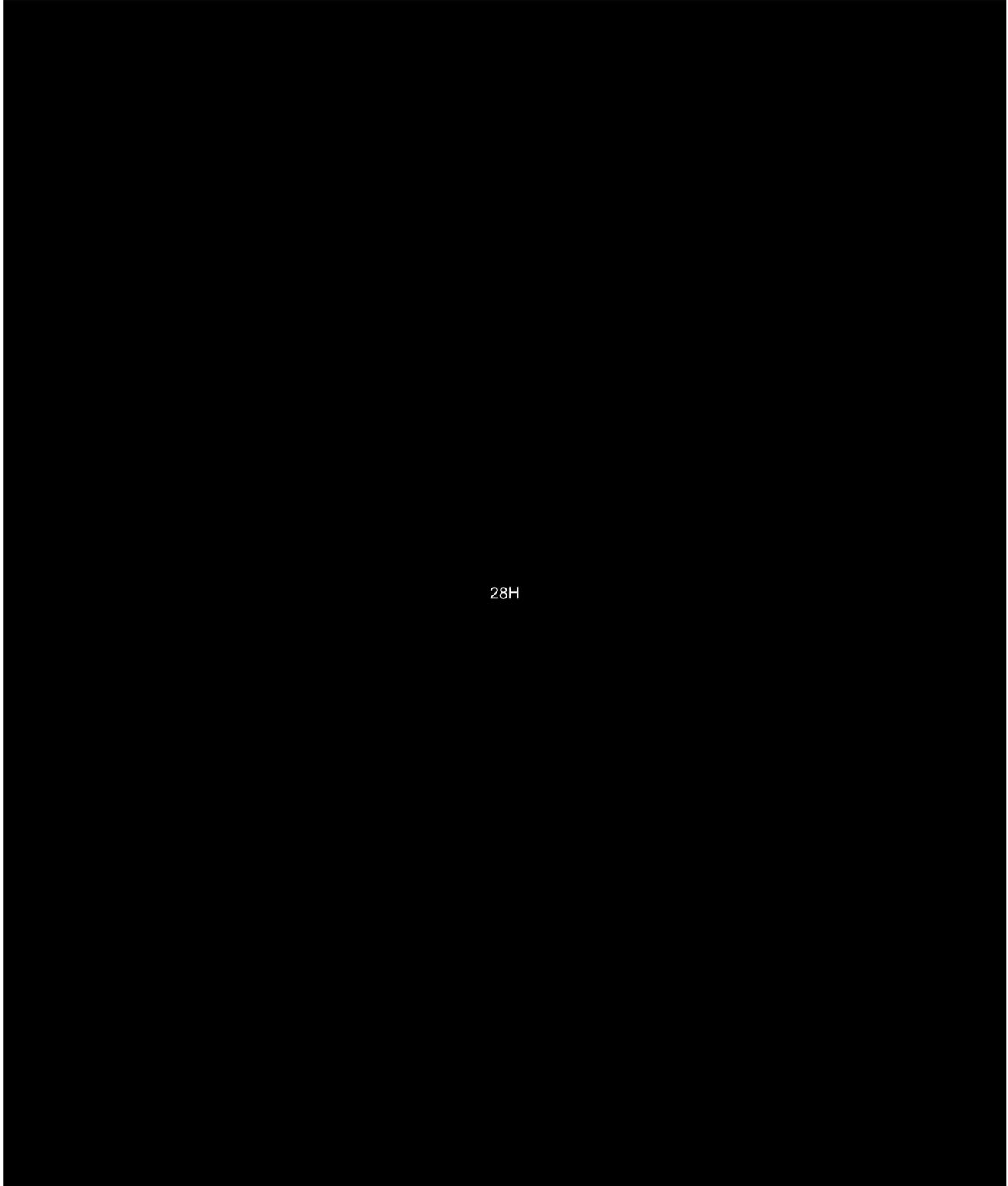
## Redaction Log

### Redaction Reasons by Exemption

Reason	Description	Pages (Count)
28H	RCW 42.56.290. 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.	1(1)

Attorney Client Privilege

**#35**



28H

28H

28H

## Redaction Log

Total Number of Redactions in Document: 3

### Redaction Reasons by Page

Page	Reason	Description	Occurrences
1	28H	RCW 42.56.290. 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.	1
2	28H	RCW 42.56.290. 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.	1
3	28H	RCW 42.56.290. 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.	1

## Redaction Log

### Redaction Reasons by Exemption

Reason	Description	Pages (Count)
28H	RCW 42.56.290. 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.	1(1) 2(1) 3(1)

**Sara McMillon**

---

**Sent:** Thursday, January 16, 2020 3:43 PM  
**To:** Michael C. Walter  
**Cc:** Kristina Nelson-Gross  
**Subject:** Typing Memo Revised - Attorney Client Privilege  
**Attachments:** Typing memo Jamestown2.docx

**#36**

28F

Redaction Date: 8/12/2020 6:12:10 PM

## Redaction Log

Total Number of Redactions in Document: 1

### Redaction Reasons by Page

Page	Reason	Description	Occurrences
1	28F	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys regarding client advice is exempt.	1

Redaction Date: 8/12/2020 6:12:10 PM

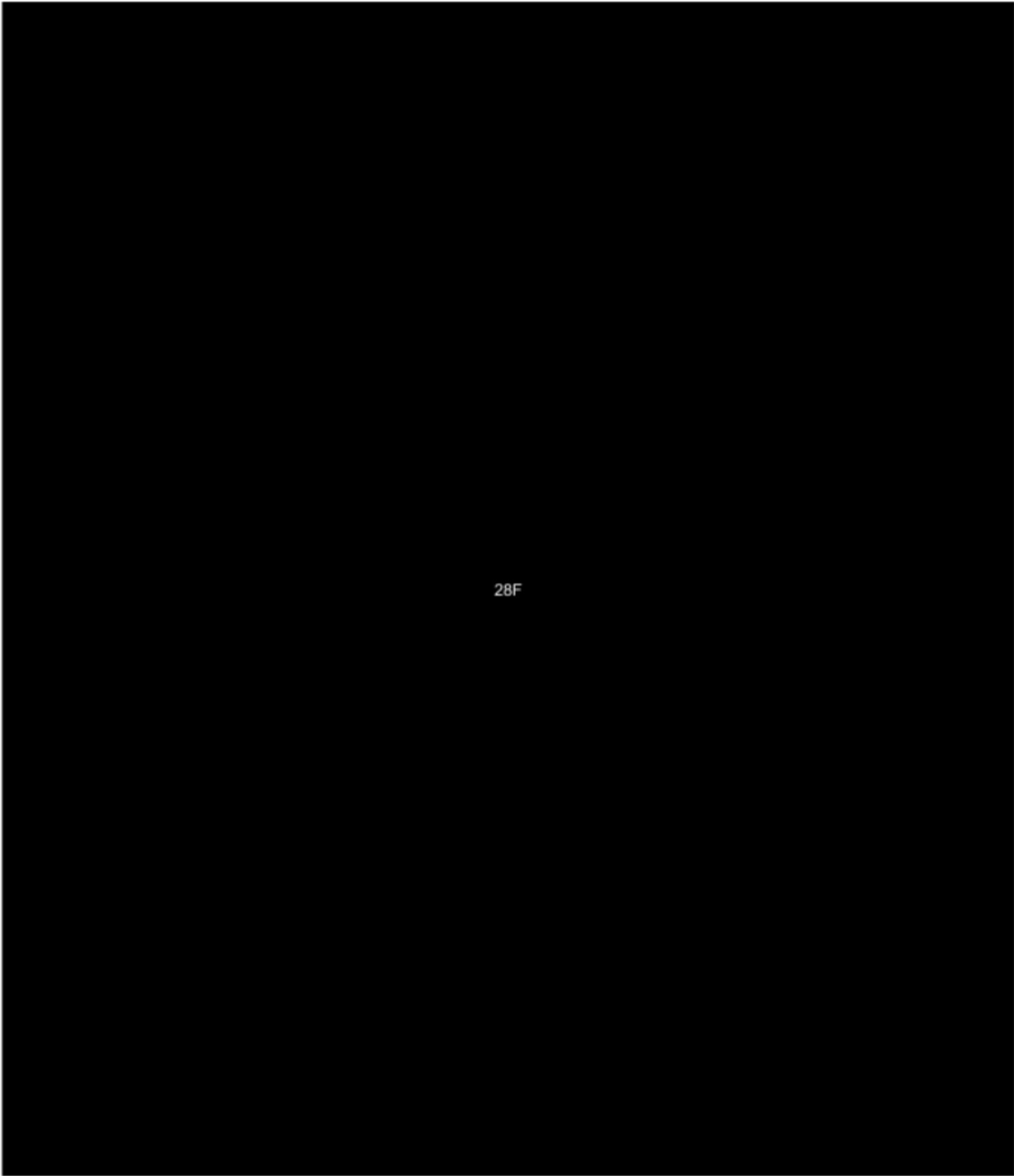
## Redaction Log

### Redaction Reasons by Exemption

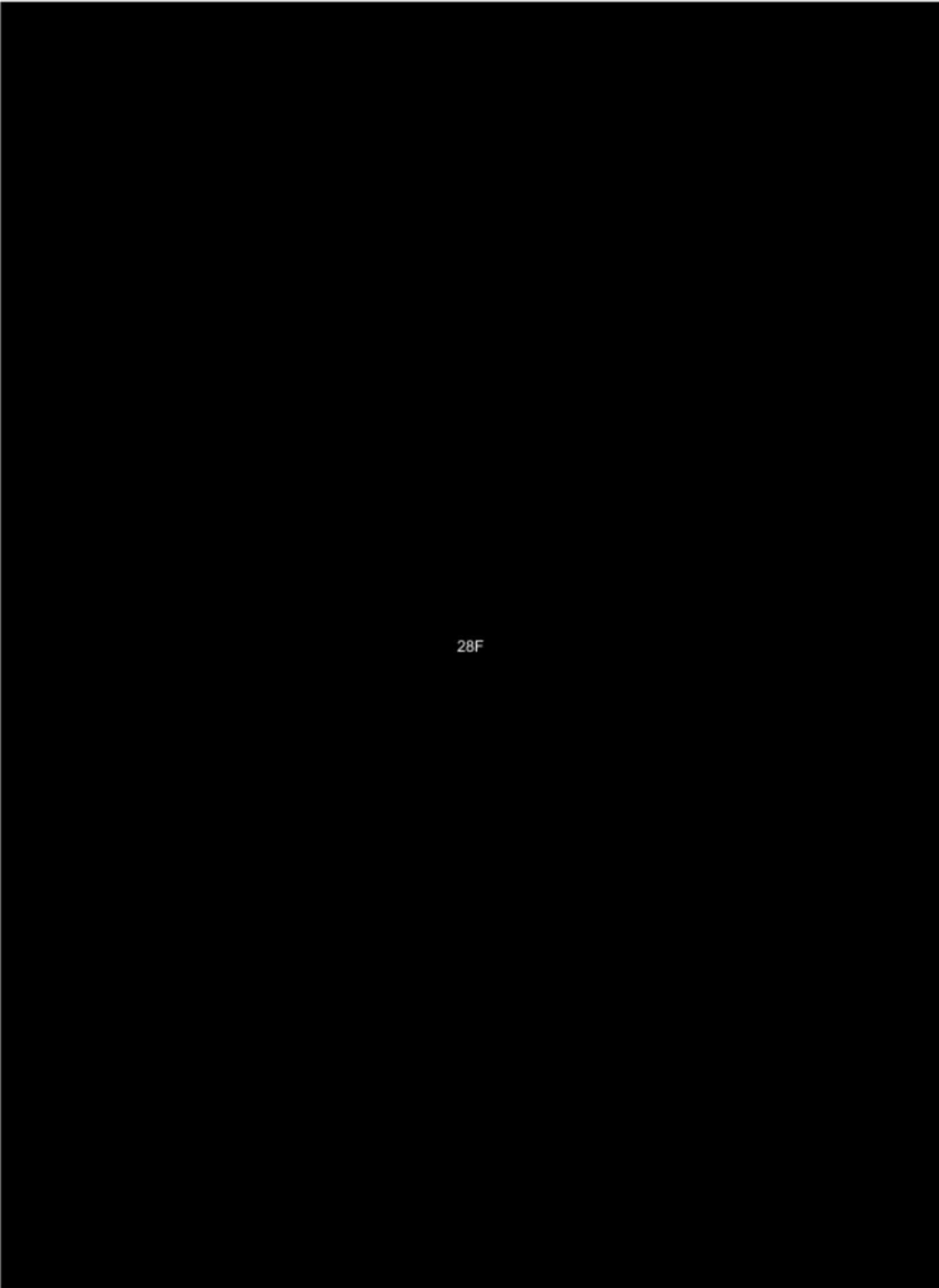
Reason	Description	Pages (Count)
28F	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys regarding client advice is exempt.	1(1)

Attorney Client Privilege

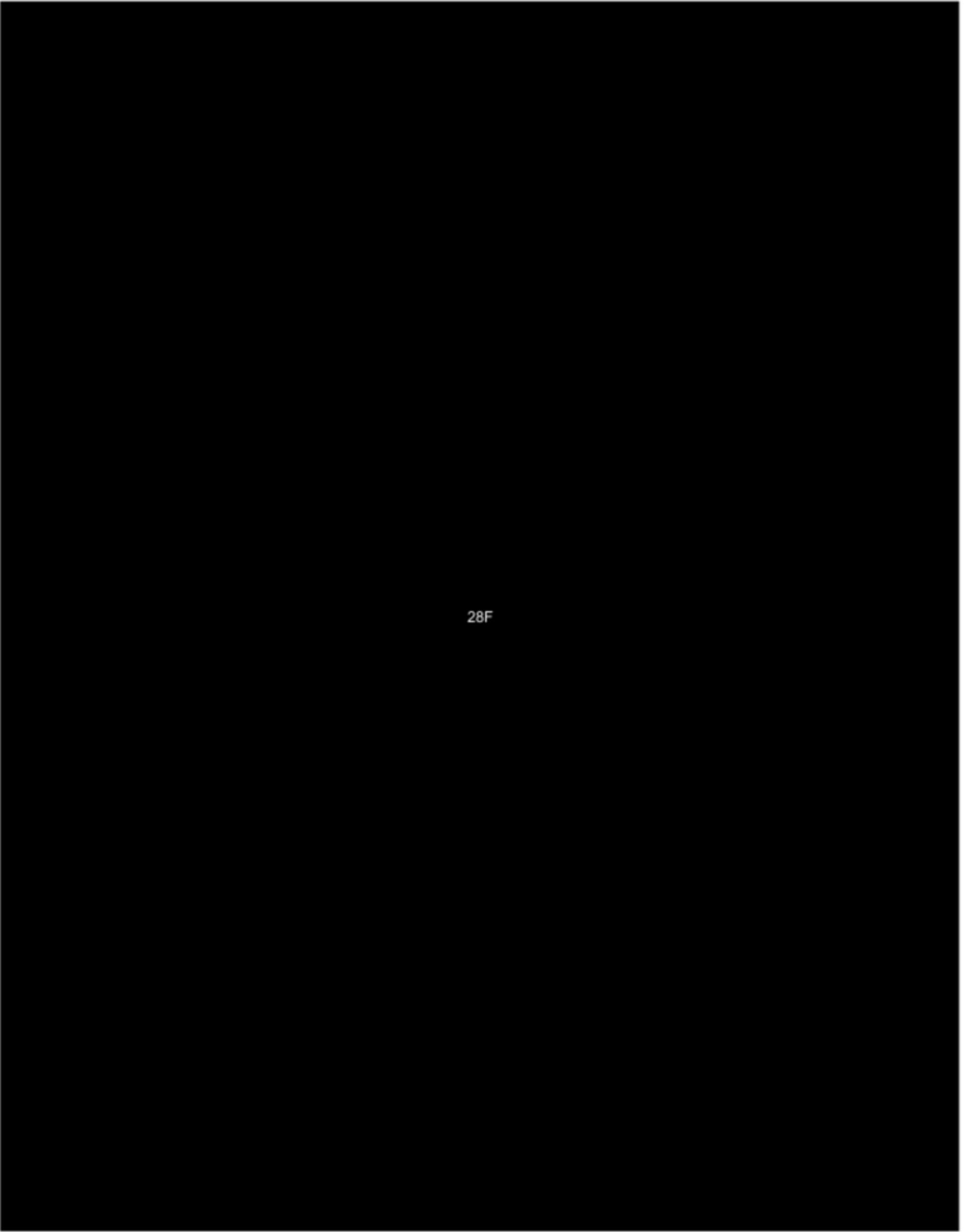
#37



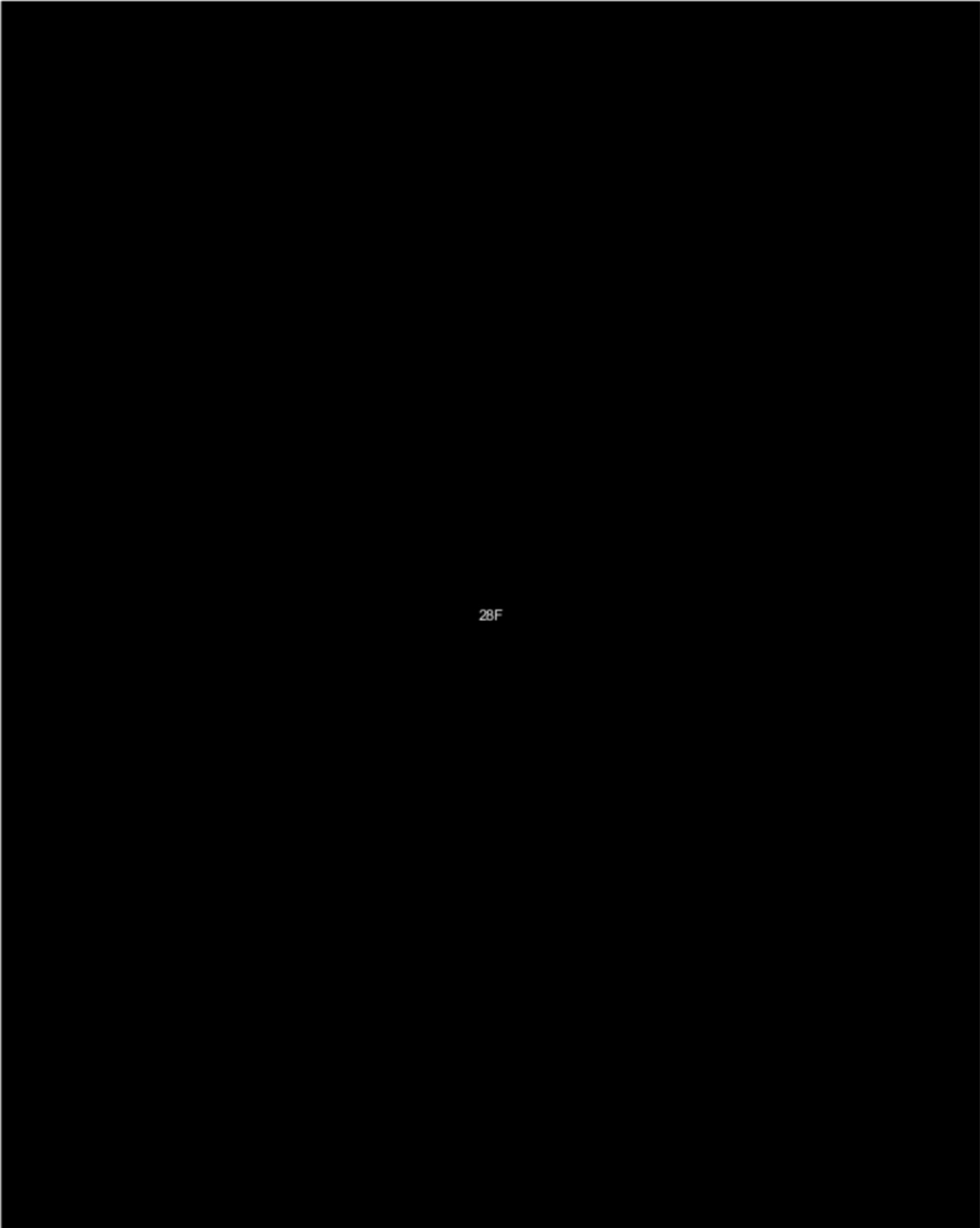
28F



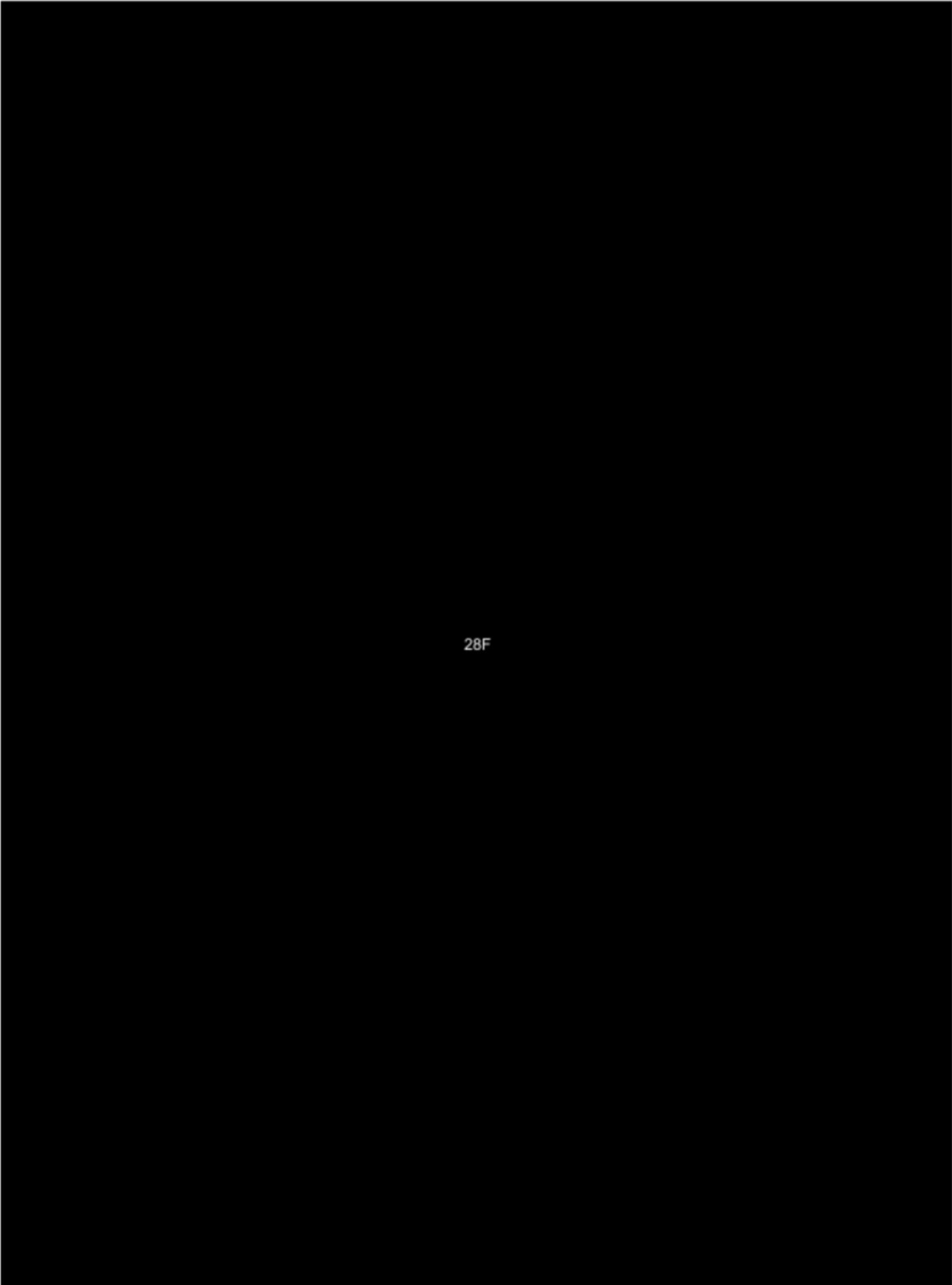
28F



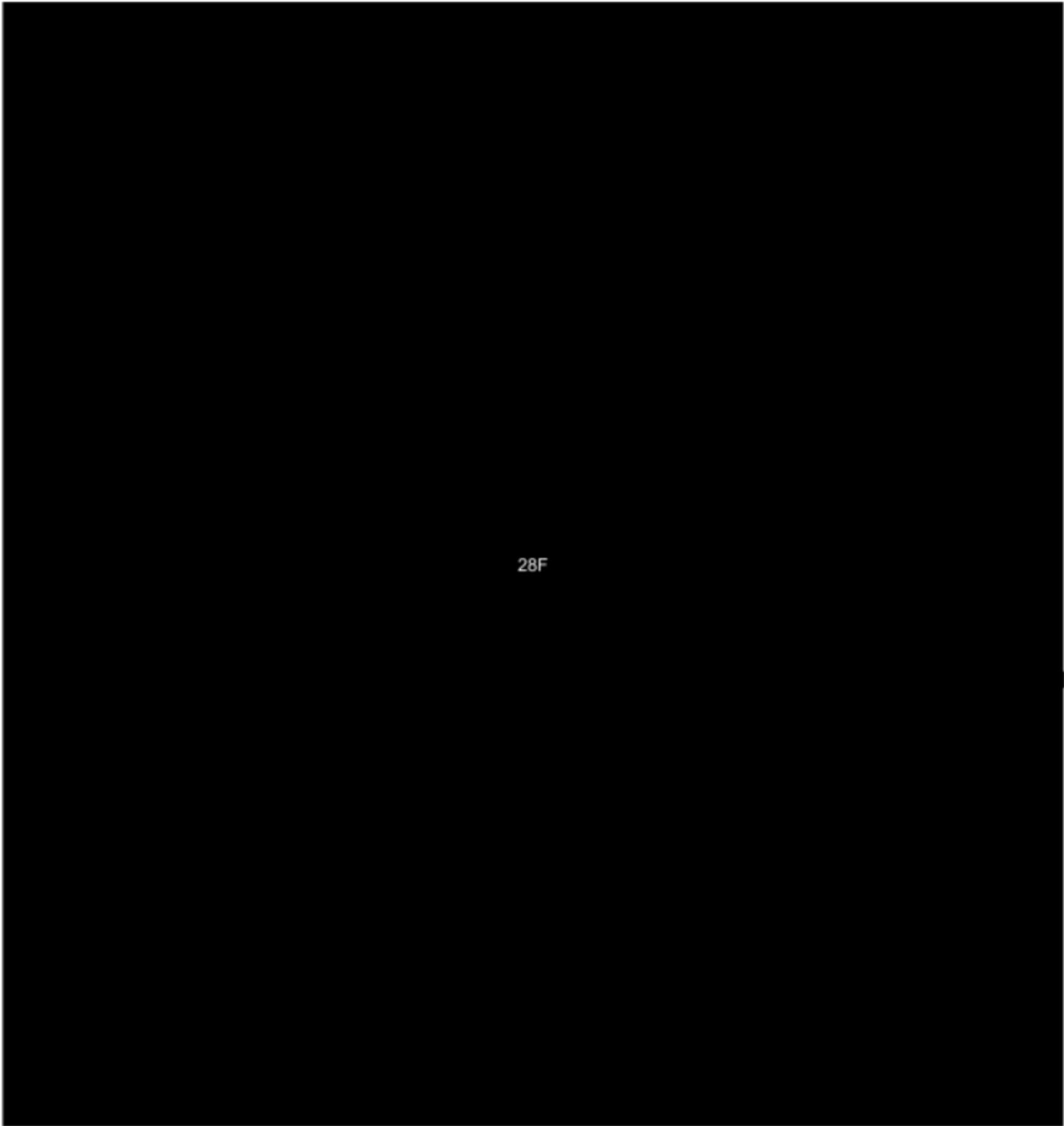
28F



28F



28F



28F

Redaction Date: 8/12/2020 6:18:01 PM

## Redaction Log

Total Number of Redactions in Document: 6

### Redaction Reasons by Page

Page	Reason	Description	Occurrences
1	28F	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys regarding client advice is exempt.	1
2	28F	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys regarding client advice is exempt.	1
3	28F	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys regarding client advice is exempt.	1
4	28F	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys regarding client advice is exempt.	1
5	28F	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys regarding client advice is exempt.	1
6	28F	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys regarding client advice is exempt.	1

Redaction Date: 8/12/2020 6:18:01 PM

## Redaction Log

### Redaction Reasons by Exemption

Reason	Description	Pages (Count)
28F	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys regarding client advice is exempt.	1(1) 2(1) 3(1) 4(1) 5(1) 6(1)

**Sara McMillon**

---

**Sent:** Sunday, January 19, 2020 8:31 AM  
**To:** Kristina Nelson-Gross  
**Subject:** Attorney Client Privilege  
**Attachments:** Typing memo Jamestown2.docx

**#38**

Good Morning Kristina,

28H

BB

Redaction Date: 8/12/2020 6:03:39 PM

## Redaction Log

Total Number of Redactions in Document: 1

### Redaction Reasons by Page

Page	Reason	Description	Occurrences
1	28H	RCW 42.56.290. 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.	1

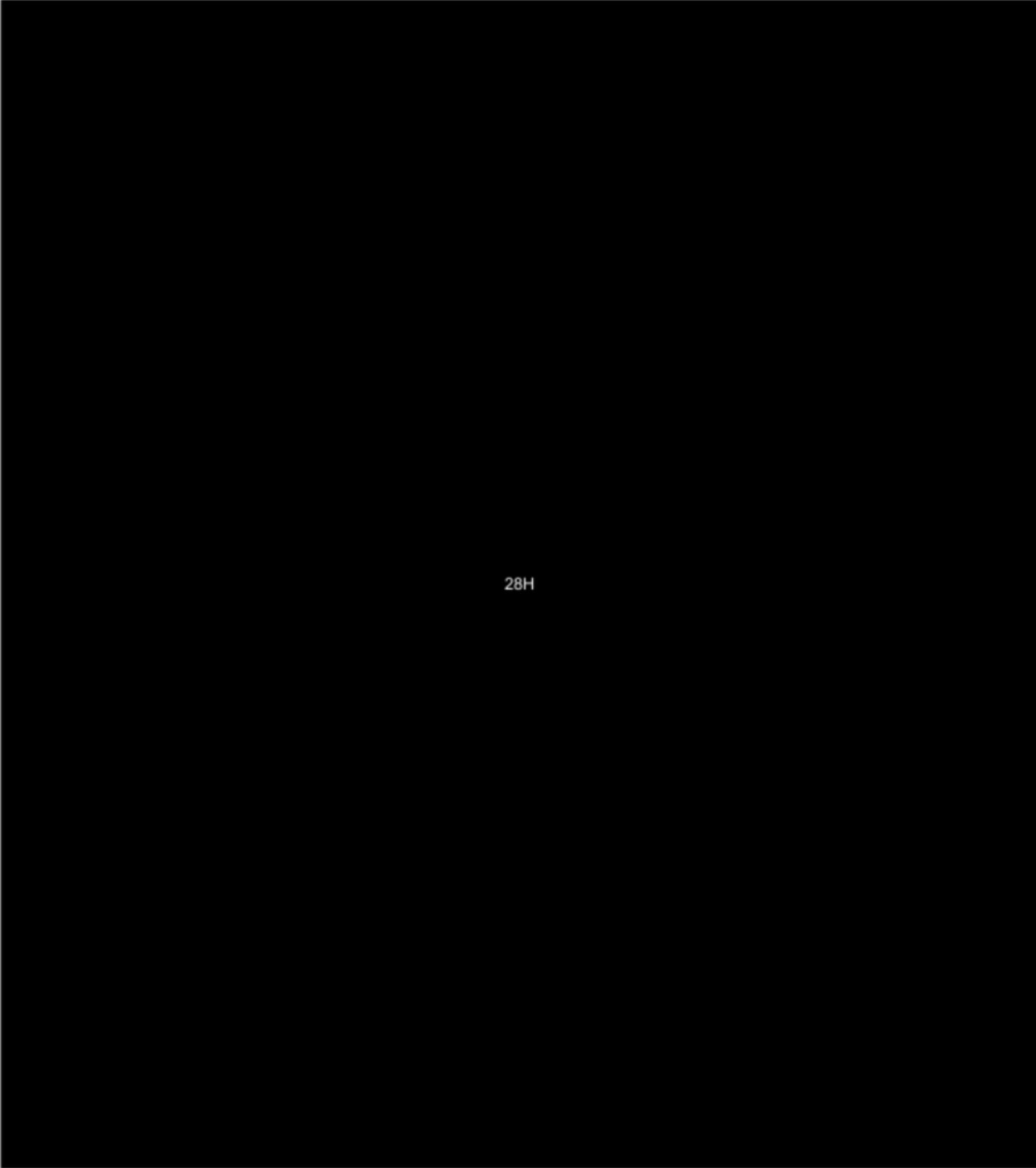
## Redaction Log

### Redaction Reasons by Exemption

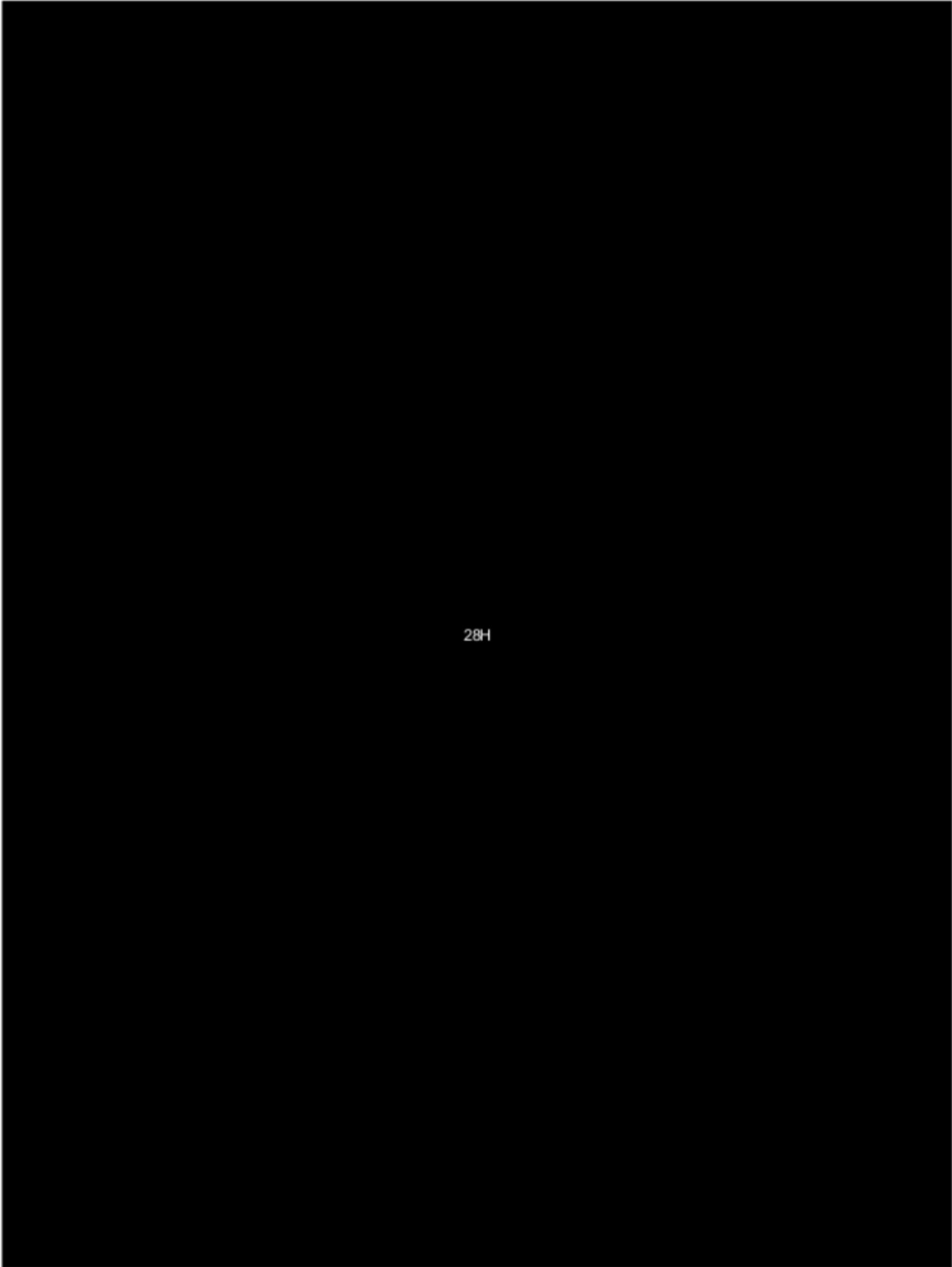
Reason	Description	Pages (Count)
28H	RCW 42.56.290. Communications between attorney and client that reveals opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt.	1(1)

**#39**

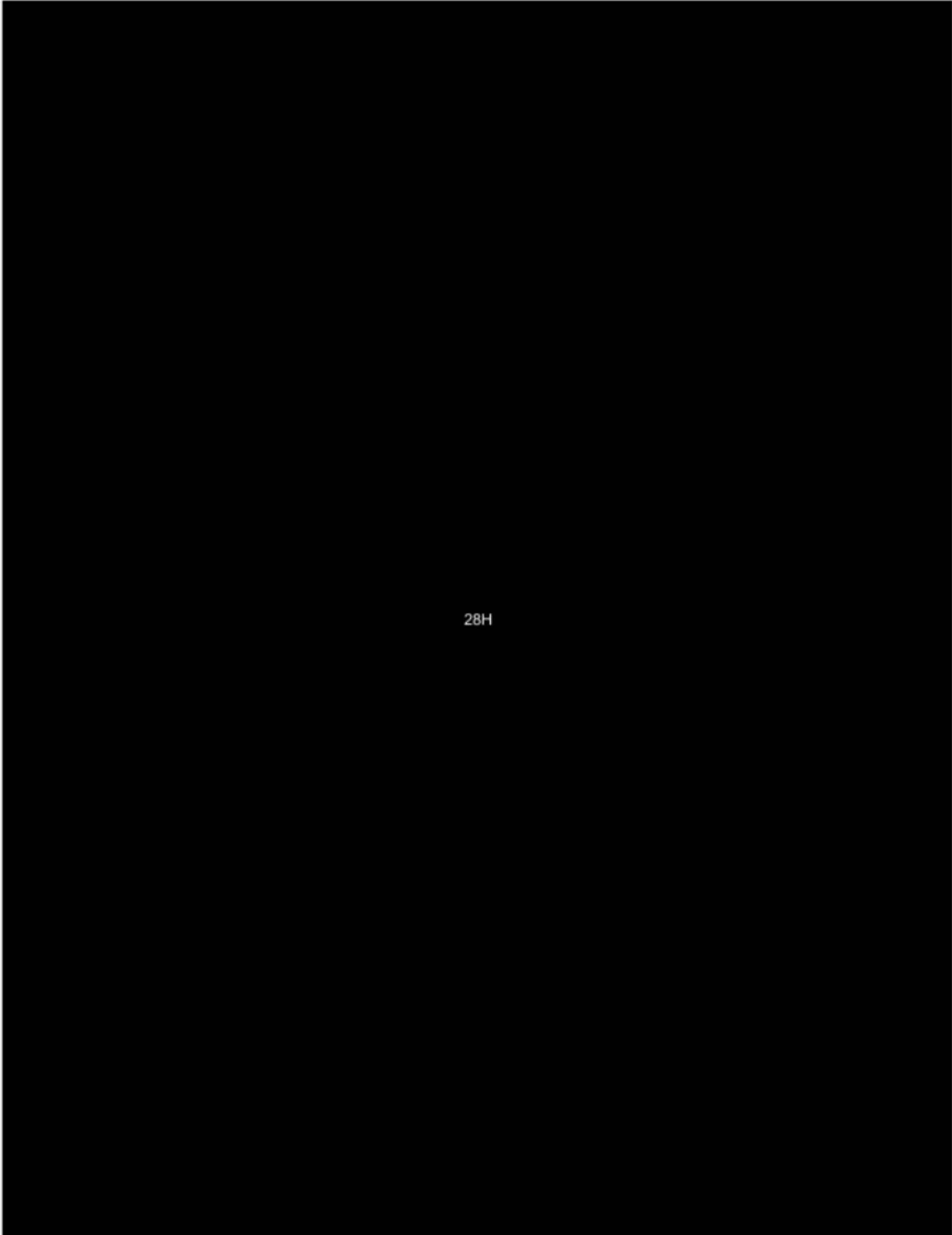
Attorney Client Privilege



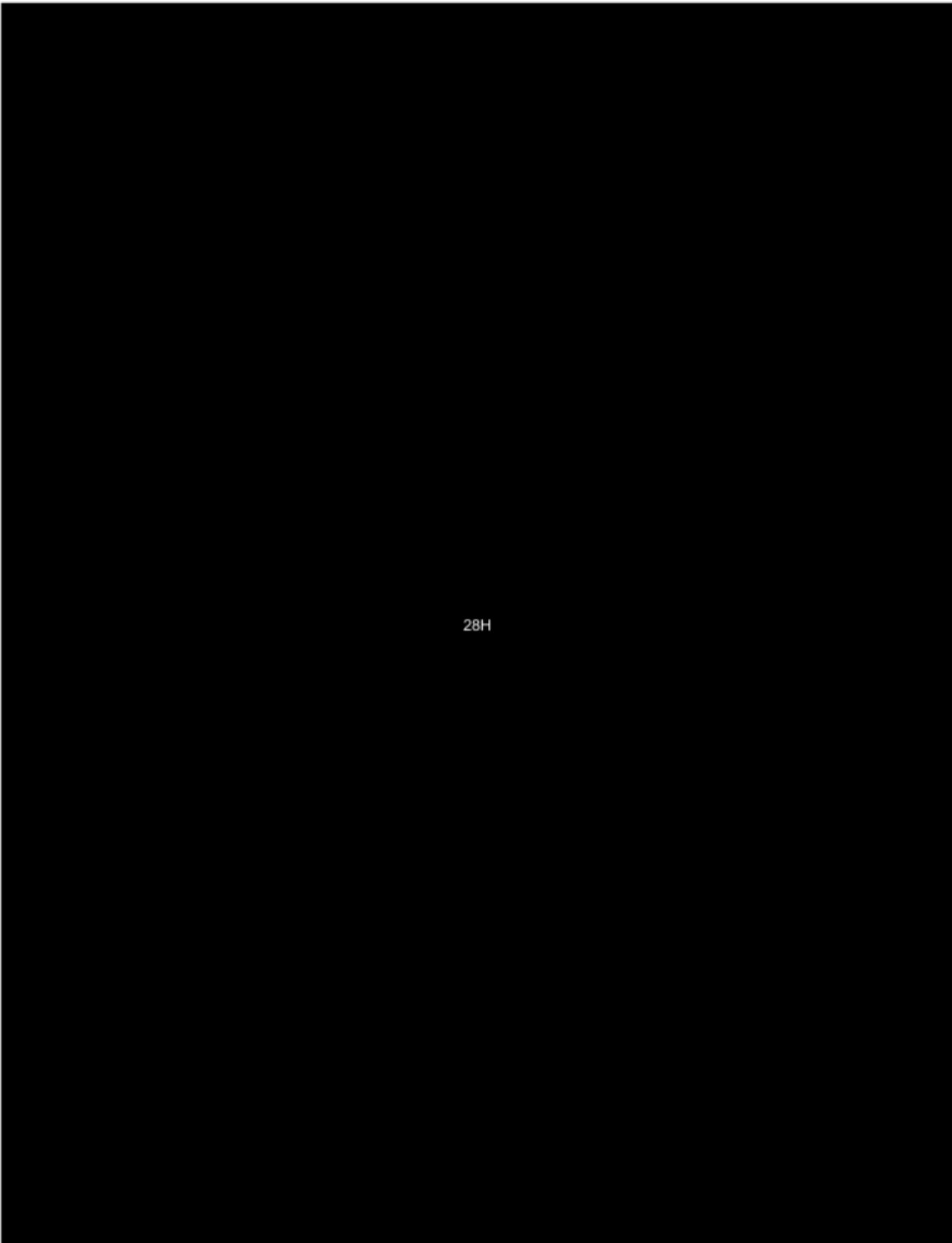
28H



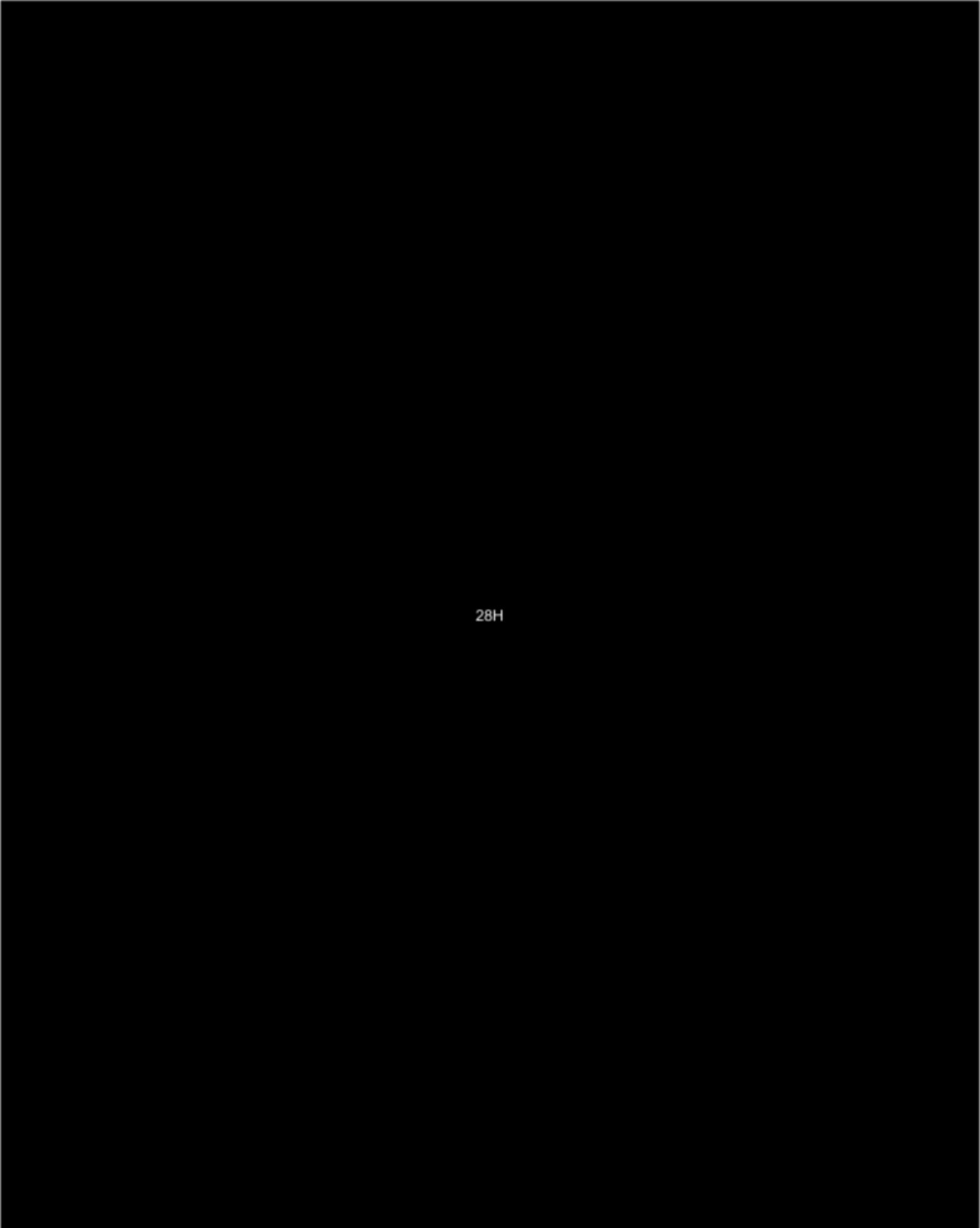
28H



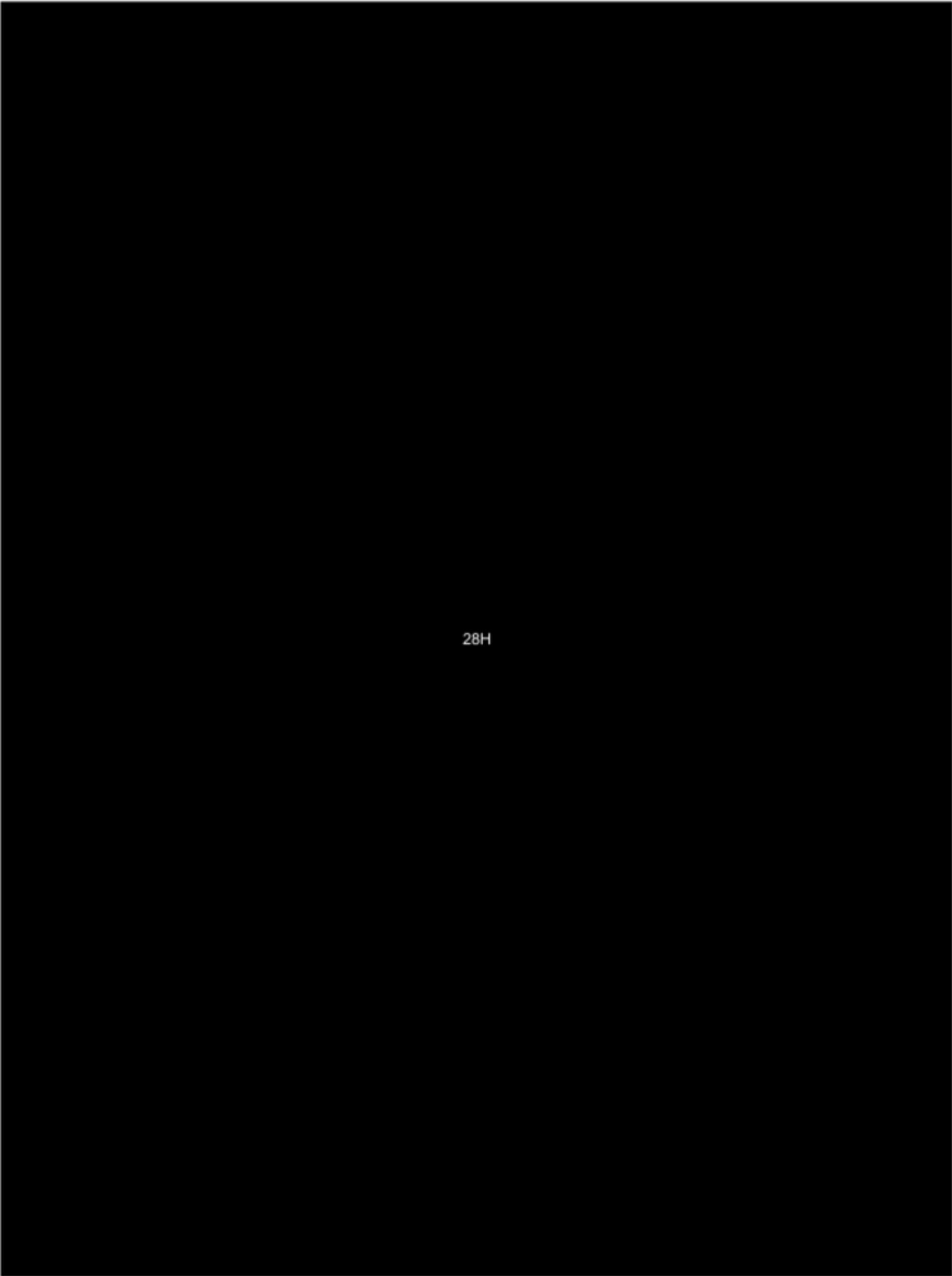
28H



28H



28H



28H



28H

Redaction Date: 8/12/2020 6:10:11 PM

## Redaction Log

Total Number of Redactions in Document: 7

### Redaction Reasons by Page

Page	Reason	Description	Occurrences
1	28H	RCW 42.56.290. 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.	1
2	28H	RCW 42.56.290. 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.	1
3	28H	RCW 42.56.290. 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.	1
4	28H	RCW 42.56.290. 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.	1
5	28H	RCW 42.56.290. 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.	1
6	28H	RCW 42.56.290. 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.	1
7	28H	RCW 42.56.290. 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.	1

Redaction Date: 8/12/2020 6:10:11 PM

## Redaction Log

### Redaction Reasons by Exemption

Reason	Description	Pages (Count)
28H	RCW 42.56.290. 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.	1(1) 2(1) 3(1) 4(1) 5(1) 6(1) 7(1)

Code	Applicable Exemption	The cited exemption applies because the redacted/withheld information includes the following:
1A	RCW 42.56.240(1), RCW 42.56.050. Specific intelligence information and records compiled by investigative, law enforcement, 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 the protection of any person's right to privacy.	Identifying information of a confidential informant where nondisclosure is essential to effective law enforcement because to release the identity or information about the confidential informant would compromise this and/or future and past investigations where this confidential informant may have been involved
1B	RCW 42.56.240(1), RCW 42.56.050. Specific intelligence information and records compiled by investigative, law enforcement, 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 the protection of any person's right to privacy.	Identifying information of a confidential informant where nondisclosure is for the protection of the confidential informant's right to privacy
1C	RCW 42.56.240(1), RCW 42.56.050. Specific intelligence information and records compiled by investigative, law enforcement, 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 the protection of any person's right to privacy. See also <u>Newman v. King County</u> , 133 Wash. 2d 565, 947 P2d 712 (1997).	Records contained in an active, ongoing criminal investigation – this is a “categorical” exemption, meaning the records are exempt as a whole in their entirety
1D	RCW 42.56.240(1), RCW 42.56.050. Specific intelligence information and records compiled by investigative, law enforcement, 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 the protection of any person's right to privacy.	Specific intelligence information compiled by law enforcement, in an investigation that has already been referred to the Prosecuting Attorney, the nondisclosure of which is essential to effective law enforcement because to release the information would compromise the investigative process
1E	RCW 42.56.240(1), RCW 42.56.050. Specific intelligence information and records compiled by investigative, law enforcement, 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 the protection of any person's right to privacy.	Specific intelligence information compiled by law enforcement, in an investigation that has already been referred to the Prosecuting Attorney, the nondisclosure of which is for the protection of a person's right to privacy
1F	RCW 42.56.240(1), RCW 42.56.050. Specific intelligence information and records compiled by investigative, law enforcement, 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 the protection of any person's right to privacy.	Specific intelligence information compiled by an investigative agency, the nondisclosure of which is essential to effective law enforcement because to release the information would compromise the investigative process
1G	RCW 42.56.240(1), RCW 42.56.050. Specific intelligence information and records compiled by investigative, law enforcement, 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 the protection of any person's right to privacy.	Specific intelligence information compiled by an investigative agency, the nondisclosure of which is for the protection of a person's right to privacy

Code	Applicable Exemption	The cited exemption applies because the redacted/withheld information includes the following:
1H	RCW 42.56.240(1), RCW 42.56.050. Specific intelligence information and records compiled by investigative, law enforcement, 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 the protection of any person's right to privacy, and the release of which would be highly offensive to a reasonable person and not of legitimate concern to the public. <u>Service Employees International Union Local 925 v. Freedom Foundation</u> , 197 Wash. App. 203, 389 P3d 641 (2016) [right to public records does not extinguish individual's constitutional rights in private information]; <u>Tiberino v. Spokane County</u> , 103 Wash. App 680, 13 P3d 1104 (2000) [to be legitimate, public interest in disclosure of highly offensive records must be reasonable], <u>Bainbridge Island Police Guild v. City of Puyallup</u> , 172 Wash. 2d 398, 259 P3d 190 (2011) [disclosure of unsubstantiated allegations as an example of highly offensive violation of privacy right].	Photograph of victim, suspect, or witness that shows injury, is embarrassing, the person is deceased, or would otherwise violate the individual's right to privacy
1I	RCW 40.26.020(5); RCW 40.26.020(7)(b). Information based on an individual's biometric identifiers is exempt from production under the Public Records Act. Biometric identifiers include but may not be limited to: retina or iris scan, fingerprint, voiceprint, DNA, scan of hand or face geometry.	Record contains biometric identifier of individual
1J	RCW 42.56.235. All records that relate to or contain personally identifying information about an individual's religious beliefs, practices, or affiliation are exempt from disclosure.	Record contains information about an individual's religious beliefs, practices, or affiliation and that information is exempt from disclosure
2A	RCW 42.56.240(2). Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with any investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or they indicate a desire for anonymity at the time of initial contact.	Identity of a victim of a crime where disclosure would endanger any person's life
2B	RCW 42.56.240(2). Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with any investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or they indicate a desire for anonymity at the time of initial contact.	Identity of a victim of a crime where disclosure would endanger any person's physical safety
2C	RCW 42.56.240(2). Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with any investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or they indicate a desire for anonymity at the time of initial contact.	Identity of a victim of a crime where disclosure would endanger any person's property
2D	RCW 42.56.240(2). Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with any investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or they indicate a desire for anonymity at the time of initial contact.	Identity of a victim of a crime where victim requested anonymity at time of initial contact with law enforcement
2E	RCW 42.56.240(2). Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with any investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or they indicate a desire for anonymity at the time of initial contact.	Identity of victim who filed a complaint with an investigative, law enforcement, or penology agency where disclosure would endanger any person's life
2F	RCW 42.56.240(2). Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with any investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or they indicate a desire for anonymity at the time of initial contact.	Identity of victim who filed a complaint with an investigative, law enforcement, or penology agency where disclosure would endanger any person's physical safety
2G	RCW 42.56.240(2). Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with any investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or they indicate a desire for anonymity at the time of initial contact.	Identity of victim who filed a complaint with an investigative, law enforcement, or penology agency where disclosure would endanger any person's property

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2H	RCW 42.56.240(2). Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with any investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or they indicate a desire for anonymity at the time of initial contact.	Identity of a victim who filed a complaint with an investigative, law enforcement, or penology agency crime where victim requested anonymity at time of initial contact with law enforcement
2I	RCW 42.56.240(2). Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with any investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or they indicate a desire for anonymity at the time of initial contact.	Identity of a witness to a crime where disclosure would endanger any person's life
2J	RCW 42.56.240(2). Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with any investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or they indicate a desire for anonymity at the time of initial contact.	Identity of a witness to a crime where disclosure would endanger any person's physical safety
2K	RCW 42.56.240(2). Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with any investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or they indicate a desire for anonymity at the time of initial contact.	Identity of a witness to a crime where disclosure would endanger any person's property
2L	RCW 42.56.240(2). Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with any investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or they indicate a desire for anonymity at the time of initial contact.	Identity of a witness to a crime where witness requested anonymity at time of initial contact with law enforcement
2M	RCW 42.56.240(2). Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with any investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or they indicate a desire for anonymity at the time of initial contact.	Identity of a witness who filed a complaint with an investigative, law enforcement, or penology agency where disclosure would endanger any person's life
2N	RCW 42.56.240(2). Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with any investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or they indicate a desire for anonymity at the time of initial contact.	Identity of a witness who filed a complaint with an investigative, law enforcement, or penology agency where disclosure would endanger any person's physical safety
2O	RCW 42.56.240(2). Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with any investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or they indicate a desire for anonymity at the time of initial contact.	Identity of a witness who filed a complaint with an investigative, law enforcement, or penology agency where disclosure would endanger any person's property
2P	RCW 42.56.240(2). Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with any investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property, or they indicate a desire for anonymity at the time of initial contact.	Identity of a witness to a crime who filed a complaint with an investigative, law enforcement, or penology agency where witness requested anonymity at time of initial contact with law enforcement
2Q	RCW 42.56.240(18). Any and all audio or video recordings of child forensic interviews as defined in chapter 26.44 RCW 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, or with advance notice to the child if the child is an emancipated minor or has attained the age of majority.	The record consists of an audio or video recording of a child forensic interview and is exempt from disclosure except in certain limited circumstances

Code	Applicable Exemption	The cited exemption applies because the redacted/withheld information includes the following:
3A	RCW 42.56.070(1); RCW 7.69A.030(4). Name/address/photos of living child victim/witness shall not be disclosed by law enforcement, prosecutors, state agency without permission of victim/witness/parents/guardians except to entity providing services to child.	Identifying information of living child victim of a crime and permission to disclose has not been obtained and requester is not the child victim or a parent/guardian of the child victim, or an entity providing services to the child victim
3B	RCW 42.56.070(1); RCW 7.69A.030(4). Name/address/photos of living child victim/witness shall not be disclosed by law enforcement, prosecutors, state agency without permission of victim/witness/parents/guardians except to entity providing services to child.	Identifying information of a living child witness to a crime and permission to disclose has not been obtained and requester is not the child witness or a parent/guardian of the child witness, or an entity providing services to the child witness
3C	RCW 42.56.070(1); RCW 42.56.240(5), RCW 10.97.130. Information revealing the identity of child victims of sexual assault who are under age 18 are exempt – including 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.	Identifying information of a child victim of sexual assault
4A	RCW 42.56.070(1); RCW 13.50.100. Records covered by RCW 13.50.100 shall be confidential and shall be released only pursuant to that section and RCW 13.50.010.	Records related to a juvenile which do not relate to the commission of a criminal offense, and the requester is not the juvenile, the juvenile's parent, or the attorney for the juvenile or parent
4B	RCW 42.56.070(1); RCW 13.50.050. All records other than the official juvenile court file are confidential and may be released only as provided in RCW 13.50.050 and RCW 13.50.010. Some exceptions exist under RCW 13.40.215 [pertains only to committed violent or sex offense or stalking offenses] and RCW 4.24.550 [pertains only to sex and kidnapping offenses].	Records related to a juvenile related to the commission of a criminal offense. The record is not the official juvenile court file, and the redacted information identifies the juvenile or the juvenile's family
4C	RCW 42.56.070(1); RCW 13.50.100. Records covered by this section shall be confidential and shall be released only in accordance with RCW 13.50.100 and 13.50.010.	Records retained or produced by a juvenile justice or care agency (as defined by RCW 13.50.010(1)(a)) which do not relate to commission of a criminal offense . Requester is not the juvenile or his/her parent, or their attorney, or any other person/entity authorized to receive such records pursuant to RCW 13.50.100
5A	RCW 42.56.070(1); RCW 70.48.100. Jail records are generally exempt from disclosure and may be released only in accordance with RCW 70.48.100.	Jail records – all records including booking photos, medical information, and custodial care information
5B	RCW 42.56.070(1); RCW 70.48.100(3)(a). Photos are exempt from disclosure except to law enforcement to assist in crime investigation.	Jail booking photograph that has not been anonymized and repurposed for photo montage
5C	RCW 42.56.420(2); RCW 42.56.240(1) – specific and unique vulnerability assessments, the public disclosure of which would have a substantial likelihood of threatening security of a correctional facility. <u>Gronquist v. Dept. of Corrections</u> , 177 Wash. App. 389, 313 P3d 416 (2013).	Jail/holding cell surveillance recordings where disclosure would have a substantial likelihood of threatening the security of the facility

Code	Applicable Exemption	The cited exemption applies because the redacted/withheld information includes the following:
6A	<p>RCW 42.56.420(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; the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:</p> <p>(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</p> <p>(b) 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.</p>	<p>Specific and unique vulnerability assessments or specific and unique response or deployment plans related to the prevention, mitigation, or response to criminal terrorist acts where disclosure would have a substantial likelihood of threatening public safety</p>
6B	<p>RCW 42.56.420(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; the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:</p> <p>(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</p> <p>(b) 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.</p>	<p>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, the public disclosure of which would have a substantial likelihood of threatening public safety</p>
7A	<p>RCW 42.56.420(2). Vulnerability assessments or emergency and escape response plans at an adult or juvenile correctional facility or a secure facility for persons civilly confined under RCW 71.09, the public disclosure of which would have a substantial likelihood of threatening the security of the facility or any individual's safety.</p>	<p>Vulnerability assessment of an adult or juvenile correctional facility where disclosure would have a substantial likelihood of threatening the security of the facility</p>
7B	<p>RCW 42.56.420(2). Vulnerability assessments or emergency and escape response plans at an adult or juvenile correctional facility or a secure facility for persons civilly confined under RCW 71.09, the public disclosure of which would have a substantial likelihood of threatening the security of the facility or any individual's safety.</p>	<p>Vulnerability assessment of an adult or juvenile correctional facility where disclosure would have a substantial likelihood of threatening any individual's safety</p>
7C	<p>RCW 42.56.420(2). Vulnerability assessments or emergency and escape response plans at an adult or juvenile correctional facility or a secure facility for persons civilly confined under RCW 71.09, the public disclosure of which would have a substantial likelihood of threatening the security of the facility or any individual's safety.</p>	<p>Vulnerability assessment of a secure facility for persons civilly confined under RCW 71.09 where disclosure would have a substantial likelihood of threatening the security of the facility</p>
7D	<p>RCW 42.56.420(2). Vulnerability assessments or emergency and escape response plans at an adult or juvenile correctional facility or a secure facility for persons civilly confined under RCW 71.09, the public disclosure of which would have a substantial likelihood of threatening the security of the facility or any individual's safety.</p>	<p>Vulnerability assessment of a secure facility for persons civilly confined under RCW 71.09 where disclosure would have a substantial likelihood of threatening any individual's safety</p>
7E	<p>RCW 42.56.420(2). Vulnerability assessments or emergency and escape response plans at an adult or juvenile correctional facility or a secure facility for persons civilly confined under RCW 71.09, the public disclosure of which would have a substantial likelihood of threatening the security of the facility or any individual's safety.</p>	<p>Emergency response plans for an adult or juvenile correctional facility where disclosure would have a substantial likelihood of threatening the security of the facility</p>
7F	<p>RCW 42.56.420(2). Vulnerability assessments or emergency and escape response plans at an adult or juvenile correctional facility or a secure facility for persons civilly confined under RCW 71.09, the public disclosure of which would have a substantial likelihood of threatening the security of the facility or any individual's safety.</p>	<p>Emergency response plans of an adult or juvenile correctional facility where disclosure would have a substantial likelihood of threatening any individual's safety</p>

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7G	RCW 42.56.420(2). Vulnerability assessments or emergency and escape response plans at an adult or juvenile correctional facility or a secure facility for persons civilly confined under RCW 71.09, the public disclosure of which would have a substantial likelihood of threatening the security of the facility or any individual's safety.	Emergency response plans of a secure facility for persons civilly confined under RCW 71.09 where disclosure would have a substantial likelihood of threatening the security of the facility
7H	RCW 42.56.420(2). Vulnerability assessments or emergency and escape response plans at an adult or juvenile correctional facility or a secure facility for persons civilly confined under RCW 71.09, the public disclosure of which would have a substantial likelihood of threatening the security of the facility or any individual's safety.	Emergency response plans of a secure facility for persons civilly confined under RCW 71.09 where disclosure would have a substantial likelihood of threatening any individual's safety
7I	RCW 42.56.420(2). Vulnerability assessments or emergency and escape response plans at an adult or juvenile correctional facility or a secure facility for persons civilly confined under RCW 71.09, the public disclosure of which would have a substantial likelihood of threatening the security of the facility or any individual's safety.	Escape response plans for an adult or juvenile correctional facility where disclosure would have a substantial likelihood of threatening the security of the facility
7J	RCW 42.56.420(2). Vulnerability assessments or emergency and escape response plans at an adult or juvenile correctional facility or a secure facility for persons civilly confined under RCW 71.09, the public disclosure of which would have a substantial likelihood of threatening the security of the facility or any individual's safety.	Escape response plans for an adult or juvenile correctional facility where disclosure would have a substantial likelihood of threatening any individual's safety
7K	RCW 42.56.420(2). Vulnerability assessments or emergency and escape response plans at an adult or juvenile correctional facility or a secure facility for persons civilly confined under RCW 71.09, the public disclosure of which would have a substantial likelihood of threatening the security of the facility or any individual's safety.	Escape response plans of a secure facility for persons civilly confined under RCW 71.09 where disclosure would have a substantial likelihood of threatening the security of the facility
7L	RCW 42.56.420(2). Vulnerability assessments or emergency and escape response plans at an adult or juvenile correctional facility or a secure facility for persons civilly confined under RCW 71.09, the public disclosure of which would have a substantial likelihood of threatening the security of the facility or any individual's safety.	Escape response plans of a secure facility for persons civilly confined under RCW 71.09 where disclosure would have a substantial likelihood of threatening any individual's safety
8	RCW 42.56.070(1); RCW 68.50.105; RCW 11.02.005. Reports and records of autopsies or post-mortems shall be confidential and disclosed only as allowed under RCW 68.50.105(1). Reid v. Pierce County, 136 Wash. 2d 195, 961 P2d 333 (1998) [decedent's immediate relatives have protectable privacy interest in autopsy records].	Autopsy records related to a post mortem investigation and requester is not a person who falls under the exceptions listed in RCW 68.50.105
9	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 for the protection of any person's right to privacy (privacy extends to the family of the deceased). Also see <u>Comaroto v. Pierce County Medical Examiner's Office</u> , 111 Wn. App. 69, 43 P.3d 539 (2002).	Suicide Note
10A	RCW 42.56.070(1); 28 USC § 534; RCW 10.97.050, RCW 10.97.030. Any agency that receives criminal history record information that was acquired, collected, classified or preserved pursuant to 28 USC § 534 (FBI) or RCW Chapter 43 (Washington State Patrol) may not disseminate such information except as set forth in those statutes. <u>Adams v. Washington State Department of Corrections</u> , 189 Wash. App. 925, 361 P3d 749 (2015) creates an exception when the requester is the subject of the record.	FBI Rap Sheet/Triple III/National Crime Information Center data/non-conviction criminal history record information and requester is not the subject of the record
10B	RCW 42.56.070(1); RCW 10.97.050, RCW 10.97.030. Non-conviction criminal history record information may not be disclosed to the public unless it pertains to an incident that occurred within the last 12 months for which the person is currently being processed by the criminal justice system.	Non-conviction criminal history record information
10C	RCW 42.56.070(1); RCW 43.43.834(5). Criminal history background records obtained by a business or organization cannot be disclosed to the public.	Criminal history background check obtained by a business or organization

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11	RCW 42.56.250(2). Applications for public employment, including name, resume, other related materials submitted by or with respect to applicant.	Public employee application materials, including the name of the applicant and materials submitted to the City by or with respect to the applicant
12A	RCW 42.56.250(1). Test questions, scoring keys, and other examination data used to administer an employment examination are exempt.	Test questions used for an employment examination
12B	RCW 42.56.250(1). Test questions, scoring keys, and other examination data used to administer an employment examination are exempt.	Test scoring keys used for an employment examination
12C	RCW 42.56.250(1). Test questions, scoring keys, and other examination data used to administer an employment examination are exempt.	Examination data (other than questions or scoring keys) used for an employment examination
13	RCW 42.56.360(1)(j). All documents, including completed forms, received pursuant to a wellness program under RCW 41.04.362 are exempt.	Records the City received for participation in an employee wellness program
14A	RCW 42.56.250(9). Photographs and month and year of birth in the personnel files of employees and workers of criminal justice agencies are exempt, unless the requester is a member of the news media.	Photograph contained in the personnel file of a criminal justice agency employee (includes Police Department, Sheriff's Office, Prosecuting Attorney's Office, Court staff), and the requester is not a member of the news media
14B	RCW 42.56.250(9). Photographs and month and year of birth in the personnel files of employees and workers of criminal justice agencies are exempt, unless the requester is a member of the news media.	Birthdate (month and year) of a criminal justice agency employee (includes Police Department, Sheriff's Office, Prosecuting Attorney's Office, Court staff)
14C	RCW 42.56.240(13). The global positioning system data that would indicate the location of the residence of an employee or worker of a criminal justice agency.	GPS data that shows the location of the residence of an employee or worker of a criminal justice agency
14D	RCW 42.56.250(10). The global positioning system data that would indicate the location of the residence of a public employee or volunteer using the global positioning system recording device.	GPS data that indicates the location of the residence of a public employee or volunteer
15	RCW 42.56.250(4). 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: 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.	Specific personal information of a public employee or volunteer contained in personnel records, public employment related records, volunteer rosters, or mailing list of employees or volunteers
16	RCW 42.56.250(4). 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: 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.	Specific personal information of a dependent of a public employee or volunteer contained in personnel records, public employment related records, volunteer rosters, or mailing list of employees or volunteers

Code	Applicable Exemption	The cited exemption applies because the redacted/withheld information includes the following:
17	RCW 42.56.230(3); RCW 42.56.050. personal information maintained for employee, appointee, elected official to the extent disclosure violates right to privacy. Also see <u>Dawson v. Daly</u> , 120 Wn. 2d 782, 845 P2d 995 (1993); <u>Tiberino v. Spokane County</u> , 103 Wash. App. 680, 13 P3d 1104 (2000); <u>DeLong v. Parmelee</u> , 157 Wash. App. 119, 236 P3d 936 (2010).	Public employee performance evaluations – not containing specific instances of misconduct
18	RCW 42.56.230(3); RCW 42.56.050. The employee identity and identifiers in unsubstantiated allegations of sexual misconduct are exempt from production to protect the employee’s right to privacy. See also <u>Bellevue John Does 1-11 v. Bellevue School Dist. #405</u> , 164 Wash. 2d 199, 189 P3d 139 (2008); <u>Bainbridge Island Police Guild v. City of Puyallup</u> , 172 Wash. 2d 398, 259 P3d 190 (2011).	Employee identifying information in an administrative investigation resulting in a non-adverse finding when the allegation was one of sexual misconduct
19	RCW 42.56.250(6). Investigative records compiled by an employing agency conducting an active and ongoing investigation of a possible unfair practice under chapter 49.60 RCW or a possible violation of other federal, state, or local laws prohibiting discrimination in employment are exempt.	Investigative records related to an active, on-going investigation of a violation of a law against discrimination in employment. This investigation is active and ongoing and involves an allegation of employment discrimination
20	RCW 42.56.070(1); RCW 42.41.030(7). 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.	Identifying information of a whistleblower
21A	RCW 42.56.070(1); 18 USC §§2721, 2725(3). 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 state department of licensing, except in particular instances defined in 18 USC § 2721(b).	Personal information provided to the City by the state department of licensing for the purpose of carrying out the City’s governmental functions and requester is not the subject of the record
21B	RCW 42.56.070(1); 18 USC §§2721, 2725(3). 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, except in particular instances defined in 18 USC § 2721(b).	Personal information received by the City that contains information protected by the federal Driver’s Privacy Protection Act, and requester is not the subject of the record
22	RCW 42.56.070(1); RCW 46.52.130(3). The City may not release an abstract driving record to a third party; contact the Department of Licensing at <a href="http://www.dol.wa.gov/driverslicense/requestyourrecord.html">http://www.dol.wa.gov/driverslicense/requestyourrecord.html</a>	Abstract Driving Record
23	RCW 42.56.070(1); RCW 46.12.635. Name/address of individual vehicle owner shall not be released; contact the Department of Licensing at <a href="http://www.dol.wa.gov/forms/224003.pdf">http://www.dol.wa.gov/forms/224003.pdf</a>	Vehicle Registration - name/address of owner unless requester is owner
24	RCW 42.56.070(1); 5 USC §552(a); RCW 42.56.050; RCW 42.56.230(5). The Privacy Act of 1974 evinces Congress's intent that social security numbers are a private concern. RCW 42.56.230(5). 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.	Social Security Number
25	RCW 42.56.070(1); 5 USC §552(a); RCW 42.56.050. The Privacy Act of 1974 evinces Congress's intent that passport numbers are a private concern.	Passport number
26	RCW 42.56.230(3); RCW 42.56.230(4); RCW 42.56.070(1); RCW 82.32.330; 26 USC 6103(a). 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.	Taxpayer information
27	RCW 42.56.230(4); RCW 42.56.070(1); RCW 84.08.210. Property taxpayer information is confidential and may not be disclosed.	Taxpayer information provided to determine property tax
28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	Communication from client to attorney to obtain legal advice

Code	Applicable Exemption	The cited exemption applies because the redacted/withheld information includes the following:
28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	Communication from attorney to client to provide legal advice
28C	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between client and attorney regarding litigation is exempt.	Communication between attorney and client regarding litigation
28D	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys that reflect attorney/client communications regarding advice is exempt.	Communication between attorney and client regarding client advice
28E	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys regarding litigation is exempt.	Communication between attorneys regarding litigation
28F	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys regarding client advice is exempt.	Communication between attorneys regarding client advice
28G	RCW 42.56.070(1); RCW 5.60.060(2)(a). Communication between members of client agency for purpose of gathering information to obtain legal advice or convey attorney/client communications is exempt.	Communications between clients to gather information for attorney
28H	RCW 42.56.290. 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.	Attorney work product – communications between attorney and client
28I	RCW 42.56.290. Communications between attorneys that reveals opinions/mental impression of attorney, or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt	Attorney work product - communication between attorneys
28J	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Notes/memoranda/statements/records that reveal factual or investigative information prepared/collected/assembled in litigation or in anticipation of litigation or related to client advice is exempt.	Attorney work product – records that reveal attorney’s thought process
28K	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Drafts/notes/memoranda, research regarding opinions/impressions of attorney or attorney’s agent prepared, collected, assembled in litigation or in anticipation of litigation or related to client advice is exempt.	Attorney work product related to anticipated litigation, litigation, or client advice
28L	RCW 42.56.290. 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.	Prosecuting Attorney’s Office Decline Notice that contains attorney opinion, impression, or work product communication
29A	RCW 42.56.370. Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or .075, or a rape crisis center as defined in RCW 70.125.030 are exempt from disclosure.	Domestic Violence Program Records
29B	RCW 42.56.370. Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or .075, or a rape crisis center as defined in RCW 70.125.030 are exempt from disclosure.	Rape Crisis Center Program Records
30	RCW 42.56.070(1), 42 USC § 12112(d)(3). Information obtained regarding the medical condition or history of an employee is treated as a confidential medical record.	Records related to employee ADA accommodations
31A	RCW 42.56.070(1), 42 CFR 2. The registration and other records of treatment programs for chemical dependency shall remain confidential and cannot be disclosed.	Records related to the registration for chemical dependency programs
31B	RCW 42.56.070(1), 42 CFR 2. The registration and other records of treatment programs for chemical dependency shall remain confidential and cannot be disclosed.	Records of chemical dependency treatment programs
32A	RCW 42.56.070(1), RCW 70.02.220(1). No person may disclose or be compelled to disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease.	Identity of person who has requested to be tested for a sexually transmitted disease (including HIV/AIDS)
32B	RCW 42.56.070(1), RCW 70.02.220(1). No person may disclose or be compelled to disclose the identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease.	Identity of person who has had a test for a sexually transmitted disease (including HIV/AIDS)
32C	RCW 42.56.070(1), RCW 70.02.220(3). No person to whom the results of a test for a sexually transmitted disease have been disclosed pursuant to subsection (2) of this section may disclose the test results to another person.	Results of a test for a sexually transmitted disease (including HIV/AIDS)

Code	Applicable Exemption	The cited exemption applies because the redacted/withheld information includes the following:
33	RCW 42.56.070(1); HIPAA, 45 CFR Part 160, 164; RCW 70.02.020; RCW 70.02.005(4). Disclosure of health care information without the patient's consent is prohibited in the PRA. Disclosure must conform to the patient's written authorization.	Medical records and records containing specific medical information
34	RCW 42.56.070(1); RCW 42.56.360(2); RCW 70.02.020; RCW 70.02.230; HIPAA, 45 CFR Part 160, 164; RCW 70.02.005(4). The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services for mental illness at public or private agencies are confidential. Disclosure of health care information without the patient's consent is prohibited in the PRA. Disclosure must conform to the patient's written authorization.	Medical records related to receipt of services for mental illness
35	RCW 42.56.070(1); RCW 70.02.240. The fact of admission and all information obtained through mental health treatment for minors under RCW 71.34 is confidential, except under certain circumstances.	Juvenile mental health treatment records unless requester is authorized to receive
36	RCW 42.56.070(1); 42 USC §290dd-2. Records of any patient in connection with any program relating to substance abuse education, prevention, training, treatment, rehabilitation, or research, which is conducted, regulated, or directly or indirectly assisted by any department or agency of the USA shall be confidential.	Substance abuse treatment records
37	RCW 42.56.070(1); RCW 50.13.020; RCW 42.56.410. Information/records concerning a person or employer obtained by the Employment Security Department pursuant to the administration of this title or other programs for which the ESD has responsibility shall be private and confidential, except as otherwise provided in this chapter	Records concerning a person or employer obtained by the Employment Security Department
38	RCW 42.56.070(1); RCW 13.50.100(11), RCW 26.44.020(19), RCW 26.44.031(1)(4). An unfounded, screened-out, or inconclusive report of child abuse or neglect may not be produced.	Records related to an unfounded, screened out, or inconclusive report of child abuse or neglect
39A	RCW 42.56.070(1); RCW 18.51.190. The name of any individual complainant or other person mentioned in a nursing home complaint shall not be disclosed except as permitted under RCW Chapter 18.	Identity of a complainant in a nursing home complaint
39B	RCW 42.56.070(1); RCW 18.51.190. The name of any individual complainant or other person mentioned in a nursing home complaint shall not be disclosed except as permitted under RCW Chapter 18.	Identity of a person mentioned in a nursing home complaint
40	RCW 42.56.070(1); RCW 74.34.095. Reports of abandonment, abuse, financial exploitation, or neglect of vulnerable adults, the identity of the person making the report, and all records used or developed in the investigation or provision of protective services are confidential.	Reports made to protective services regarding a vulnerable adult
41A	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.	Personal information in files maintained for students in public schools
41B	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.	Personal information in files maintained for patients or clients of public institutions or public health agencies
41C	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.	Personal information in files maintained for welfare recipients
42	RCW 42.56.070(1), RCW 74.04.060. Public assistance records for programs administered under Title 74 are confidential, except under certain circumstances.	Public assistance records
43A	RCW 42.56.230(5). 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.	Credit or debit card number
43B	RCW 42.56.230(5). 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.	Electronic check number
43C	RCW 42.56.230(5). 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.	Credit expiration dates

Code	Applicable Exemption	The cited exemption applies because the redacted/withheld information includes the following:
43D	RCW 42.56.230(5). 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.	Bank/other financial account numbers and balances
43E	RCW 42.56.230(5). 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.	Bank or financial account codes and passwords
43F	RCW 42.56.230(5). 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.	Tax identification number
43G	RCW 42.56.230(5). 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.	Driver's license or permit numbers and requester is not the subject of the record
43H	RCW 42.56.230(5). 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.	State identicaid numbers issued by the department of licensing and requester is not the subject of the record
44A	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.	Computer networks – security passwords
44B	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.	Computer networks – security access codes
44C	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.	Computer networks – security access programs
44D	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.	Computer networks – access codes for secure software applications
44E	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.	Computer networks – security and service recovery plans
44F	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.	Computer networks – security risk assessments
44G	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.	Computer networks – security test results to the extent that they identify specific system vulnerabilities
45A	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.	Telecommunications networks – security passwords

Code	Applicable Exemption	The cited exemption applies because the redacted/withheld information includes the following:
45B	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.	Telecommunications networks – security access codes
45C	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.	Telecommunications networks – security access programs
45D	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.	Telecommunications networks – access codes for secure software applications
45E	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.	Telecommunications networks – security and service recovery plans
45F	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.	Telecommunications networks – security risk assessments
45G	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.	Telecommunications networks – security test results because they identify specific system vulnerabilities
46	RCW 42.56.070(1); Federal Copyright Act, 17 USC § 102, 301 and 106(1). Reproduction of records prohibited under copyright law.	Copyrighted material
47	RCW 42.56.070(1); RCW 19.108 et seq. 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.	Trade secret information
48	RCW 42.56.280. 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 any agency action. <u>PAWS v. University of Washington</u> , 125 Wn. 2d 243, 256 (1994).	Records that relate to a deliberative process that is still ongoing; 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
49	RCW 42.56.070(1); RCW 46.52.080-085. Traffic collision reports may only be released to specific individuals in specific circumstances. To obtain this report, please contact the below website, complete the form, and submit with payment to the address provided: <a href="http://www.wsp.wa.gov/publications/collision.htm">http://www.wsp.wa.gov/publications/collision.htm</a>	Traffic collision reports
50	RCW 42.56.070(1); RCW 9.73.090(1)(c). No sound or video recording made under this subsection may be duplicated and made available to the public by a law enforcement agency subject to this section until final disposition of any criminal or civil litigation which arises from the event(s) which were recorded.	Dash camera video of an event that is still the subject of active, pending criminal or civil litigation
51A	RCW 42.56.230(3); RCW 42.56.050. personal information maintained for employee, appointee, elected official to the extent disclosure violates right to privacy.	Birth certificate – employee or dependent
51B	RCW 42.56.230(3); RCW 42.56.050. personal information maintained for employee, appointee, elected official to the extent disclosure violates right to privacy.	Death certificate – employee or dependent
51C	RCW 42.56.230(3); RCW 42.56.050. personal information maintained for employee, appointee, elected official to the extent disclosure violates right to privacy.	Marriage certificate/license – employee or dependent

Code	Applicable Exemption	The cited exemption applies because the redacted/withheld information includes the following:
51D	RCW 42.56.230(3); RCW 42.56.050 Personal information maintained for employee, appointee, elected official to the extent disclosure violates right to privacy.	Information regarding an employee's benefits selections
52	RCW 42.56.070(1); RCW 7.68.140. Information contained in the claim files and records of victims, under the provisions of this chapter, shall be deemed confidential and shall not be open to public inspection.	Records regarding a victim's claim under the Crime Victim's Compensation Act
53A	RCW 42.56.260(1)(a) The contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property. RCW 42.56.260(2) The exemption does not apply when disclosure is mandated by another statute or after the project or prospective project is abandoned or all properties that are part of the project have been purchased, sold, or leased. No appraisal may be withheld for more than three years.	Real estate appraisal related to the acquisition or sale of property by the City. The project has not been abandoned, all properties related to the project have not been purchased, sold, or leased, and the appraisal is less than three years old.
53B	RCW 42.56.260(1)(b) Documents prepared for the purpose of considering the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price, including records prepared for executive session pursuant to RCW 42.13.110(1)(b). RCW 42.56.260(2) The exemption does not apply when disclosure is mandated by another statute or after the project or prospective project is abandoned or all properties that are part of the project have been purchased, sold, or leased. No appraisal may be withheld for more than three years.	Documents prepared for the purpose of considering selection of a site or acquisition of real estate. Public knowledge would cause a likelihood of increased price. The project has not been abandoned, all properties related to the project have not been purchased, sold, or leased, and the appraisal is less than three years old.
53C	RCW 42.56.260(1)(c) Documents prepared for the purpose of considering the minimum price of real estate that will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price, including records prepared for executive session pursuant to RCW 42.30.110(1)(c). RCW 42.56.260(2) The exemption does not apply when disclosure is mandated by another statute or after the project or prospective project is abandoned or all properties that are part of the project have been purchased, sold, or leased. No appraisal may be withheld for more than three years.	Documents prepared for the purpose of considering the minimum price of real estate that will be offered by the City for sale or lease. Public knowledge regarding such consideration would cause a likelihood of decreased price. The project has not been abandoned, all properties related to the project have not been purchased, sold, or leased, and the appraisal is less than three years old.
54	RCW 42.56.300(1) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites are exempt from disclosure under this chapter.	Information that identifies the location of archaeological sites
55A	RCW 42.56.070(1), RCW 26.23.120(1) Any information or records concerning individuals who owe a support obligation or for whom support enforcement services are being provided which are obtained or maintained by the Washington state support registry, the division of child support, or under chapter 74.20 RCW shall be private and confidential.	Information concerning individuals who owe a child support obligation
55B	RCW 42.56.070(1), RCW 26.23.120(1) Any information or records concerning individuals who owe a support obligation or for whom support enforcement services are being provided which are obtained or maintained by the Washington state support registry, the division of child support, or under chapter 74.20 RCW shall be private and confidential.	Information concerning individuals for whom child support enforcement services are being provided
56	RCW 42.56.070(1); RCW 9.68A.050 Duplication or dissemination of a minor engaged in sexually explicit conduct is a crime.	Depiction of a minor engaged in sexually explicit conduct
57	RCW 42.56.070(1), RCW 71.05.620 Files and records of court proceedings under Chapter 71.05 are closed and accessible only to the subject of the petition, that person's attorney, guardian ad litem, resource management services, or service providers authorized to receive such information by resource management services.	Files and records of a court proceeding under Chapter 71.05 and the requester is not authorized to receive the information
58	RCW 42.56.600 Records of mediation communications that are privileged under chapter 7.07 RCW are exempt from disclosure under this chapter.	Mediation communications that are privileged under chapter 7.07 RCW.

Code	Applicable Exemption	The cited exemption applies because the redacted/withheld information includes the following:
59	RCW 42.56.240(4); RCW 42.56.070(1); RCW 9.41.129. The department of licensing may keep copies or records of applications for concealed pistol licenses provided for in RCW 9.41.070, copies or records of applications for alien firearm licenses, copies or records of applications to purchase pistols provided for in RCW 9.41.090, and copies or records of pistol transfers provided for in RCW 9.41.110. The copies and records shall not be disclosed except as provided in RCW 42.56.240(4) (allows release to law enforcement or corrections agencies).	Concealed pistol license application
60	GR 31.1(l)(1) Request for judicial ethics opinions are exempt.	Request for judicial ethics opinion
61	GR 31.1(l)(2) Minutes of meetings held exclusively among judges, along with any staff, are exempt.	Minutes of meetings held exclusively among judges, along with any staff
62	GR 31.1(l)(3) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt under this rule, except that a specific record is not exempt when publicly cited by a court of agency in connections with any court or agency action. This exemption applies to a record only while a final decision is pending on the issue that is being addressed in that record; once the final decision has been made, the record is no longer covered by this exemption.	Records that relate to a deliberative process that is still ongoing; 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
63	GR 31.1(l)(4) Evaluations and recommendations concerning candidates seeking appointment or employment within a court or judicial agency are exempt.	Evaluations or recommendations regarding a candidate seeking appointment or employment with Clallam County Superior Court or Clallam County District Court
64	GR 31.1(l)(5) Personal identifying information, including individuals' home contact information, Social Security numbers, date of birth, driver's license numbers, and identification/security photographs of employees of Clallam County Superior Court or Clallam County District Court is exempt.	Personal identifying information of an employee of Clallam County Superior Court or Clallam County District Court
65A	GR 31.1(l)(6) Documents related to an attorney's request for a trial or appellate court defense expert, investigator, or other services, any report or findings submitted to the attorney or court or judicial agency by the expert, investigator, or other service provider, and the invoicing of the expert, investigator or other service provider during the pendency of the case in any court are exempt. Payment records are not exempt, provided that they do not include medical records, attorney work product, information protected by attorney-client privilege, information sealed by a court, or otherwise exempt information.	Documents related to an attorney's request for a trial or appellate court defense expert, investigator, or other services
65B	GR 31.1(l)(6) Documents related to an attorney's request for a trial or appellate court defense expert, investigator, or other services, any report or findings submitted to the attorney or court or judicial agency by the expert, investigator, or other service provider, and the invoicing of the expert, investigator or other service provider during the pendency of the case in any court are exempt. Payment records are not exempt, provided that they do not include medical records, attorney work product, information protected by attorney-client privilege, information sealed by a court, or otherwise exempt information.	Report or finding submitted to an attorney or court or judicial agency by a trial or appellate court defense expert, investigator, or other service provider
65C	GR 31.1(l)(6) Documents related to an attorney's request for a trial or appellate court defense expert, investigator, or other services, any report or findings submitted to the attorney or court or judicial agency by the expert, investigator, or other service provider, and the invoicing of the expert, investigator or other service provider during the pendency of the case in any court are exempt. Payment records are not exempt, provided that they do not include medical records, attorney work product, information protected by attorney-client privilege, information sealed by a court, or otherwise exempt information.	Invoice records of a trial or appellate court defense expert, investigator, or other service provider

Code	Applicable Exemption	The cited exemption applies because the redacted/withheld information includes the following:
65D	GR 31.1(I)(6) Documents related to an attorney's request for a trial or appellate court defense expert, investigator, or other services, any report or findings submitted to the attorney or court or judicial agency by the expert, investigator, or other service provider, and the invoicing of the expert, investigator or other service provider during the pendency of the case in any court are exempt. Payment records are not exempt, provided that they do not include medical records, attorney work product, information protected by attorney-client privilege, information sealed by a court, or otherwise exempt information.	Payment records of a trial or appellate court defense expert, investigator, or other service provider that includes medical records
65E	GR 31.1(I)(6) Documents related to an attorney's request for a trial or appellate court defense expert, investigator, or other services, any report or findings submitted to the attorney or court or judicial agency by the expert, investigator, or other service provider, and the invoicing of the expert, investigator or other service provider during the pendency of the case in any court are exempt. Payment records are not exempt, provided that they do not include medical records, attorney work product, information protected by attorney-client privilege, information sealed by a court, or otherwise exempt information.	Payment records of a trial or appellate court defense expert, investigator, or other service provider that includes attorney work product
65F	GR 31.1(I)(6) Documents related to an attorney's request for a trial or appellate court defense expert, investigator, or other services, any report or findings submitted to the attorney or court or judicial agency by the expert, investigator, or other service provider, and the invoicing of the expert, investigator or other service provider during the pendency of the case in any court are exempt. Payment records are not exempt, provided that they do not include medical records, attorney work product, information protected by attorney-client privilege, information sealed by a court, or otherwise exempt information.	Payment records of a trial or appellate court defense expert, investigator, or other service provider that includes information protected by attorney-client privilege
65G	GR 31.1(I)(6) Documents related to an attorney's request for a trial or appellate court defense expert, investigator, or other services, any report or findings submitted to the attorney or court or judicial agency by the expert, investigator, or other service provider, and the invoicing of the expert, investigator or other service provider during the pendency of the case in any court are exempt. Payment records are not exempt, provided that they do not include medical records, attorney work product, information protected by attorney-client privilege, information sealed by a court, or otherwise exempt information.	Payment records of a trial or appellate court defense expert, investigator, or other service provider that includes information sealed by the court
65H	GR 31.1(I)(6) Documents related to an attorney's request for a trial or appellate court defense expert, investigator, or other services, any report or findings submitted to the attorney or court or judicial agency by the expert, investigator, or other service provider, and the invoicing of the expert, investigator or other service provider during the pendency of the case in any court are exempt. Payment records are not exempt, provided that they do not include medical records, attorney work product, information protected by attorney-client privilege, information sealed by a court, or otherwise exempt information.	Payment records of a trial or appellate court defense expert, investigator, or other service provider that includes otherwise exempt information
66A	GR 31.1(I)(7) Documents, records, files, investigative notes and reports, including the complaint and the identity of the complainant, associated with a court's or judicial agency's internal investigation of a complaint against the court or judicial agency or its contractors during the course of the investigation are exempt. The outcome of the court's or judicial agency's investigation is not exempt.	Investigative records related to an open internal investigation of a Clallam County Superior Court or Clallam County District Court employee
66B	GR 31.1(I)(7) Documents, records, files, investigative notes and reports, including the complaint and the identity of the complainant, associated with a court's or judicial agency's internal investigation of a complaint against the court or judicial agency or its contractors during the course of the investigation are exempt. The outcome of the court's or judicial agency's investigation is not exempt.	Investigative records related to an open internal investigation of a Clallam County Superior Court or Clallam County District Court contractor
67A	GR 31.1(I)(9) Family court mediation files are exempt.	Family court mediation records
67B	GR 22 Sealed court records in family law cases are exempt.	Records under seal in the court file are exempt from disclosure
68	GR 31.1(I)(10) Juvenile court probation files are exempt.	Juvenile court probation records
69A	GR 31.1(I)(11) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans, the disclosure of which would have a substantial likelihood of threatening the security of a judicial facility or any individual's safety.	Specific and unique vulnerability assessment, the disclosure of which would have a substantial likelihood of threatening the security of a judicial facility

Code	Applicable Exemption	The cited exemption applies because the redacted/withheld information includes the following:
69B	GR 31.1(l)(11) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans, the disclosure of which would have a substantial likelihood of threatening the security of a judicial facility or any individual's safety.	Specific and unique vulnerability assessment, the disclosure of which would have a substantial likelihood of threatening an individual's safety
69C	GR 31.1(l)(11) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans, the disclosure of which would have a substantial likelihood of threatening the security of a judicial facility or any individual's safety.	Specific and unique emergency and escape response plans, the disclosure of which would have a substantial likelihood of threatening the security of a judicial facility
69D	GR 31.1(l)(11) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans, the disclosure of which would have a substantial likelihood of threatening the security of a judicial facility or any individual's safety.	Specific and unique emergency and escape response plans, the disclosure of which would have a substantial likelihood of threatening an individual's safety
70A	Investigative records compiled by the Certified Professional Guardian Board as a result of an investigation conducted by the Board as part of the application process, while a disciplinary investigation is in process under the Board's rules and regulations, or as a result of any other investigation conducted by the Board while an investigation is in process. Investigative records related to a grievance become open to public inspection once the investigation is completed.	Records related to an open investigation by the Certified Professional Guardian Board
70B	Deliberative records compiled by the Board or a panel or committee of the Board as part of a disciplinary process.	Deliberative records compiled by the Certified Professional Guardian Board as part of a disciplinary process
70C	GR 22 Sealed court records in guardianship cases are exempt.	Records under seal in the court file are exempt from disclosure
71	RCW 42.56.070(1); RCW 10.101.020(3). The determination of indigency shall be made upon the defendant's initial contact with the court or at the earliest time circumstances permit. The court or its designee shall keep a written record of the determination of indigency. Any information given by the accused under this section or sections shall be confidential and shall not be available for use by the prosecution in the pending case.	Information given by the accused for the purposes of seeking a determination of indigency under chapter 10.101 RCW
72	Other Statutes.  Use this code when claiming an exemption that is not listed in Chapter 42.56 RCW. Refer to the "Other Statutes" appendix found at the Washington State Attorney General's Sunshine Committee webpage to obtain the statute and the description of material that should be exempted. Fill that information in on the right-hand column when preparing your exemption log.	The redacted/withheld information includes the following: [INSERT DESCRIPTION]  Which is exempt from production pursuant to: [INSERT STATUTE]

**RCW 42.56.210****Certain personal and other records exempt.**

(1) Except for information described in \*RCW **42.56.230**(3)(a) and confidential income data exempted from public inspection pursuant to RCW **84.40.020**, the exemptions of this chapter are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(2) Inspection or copying of any specific records exempt under the provisions of this chapter may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(3) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

[ **2005 c 274 § 402**. Prior: (2006 c 302 § 11 expired July 1, 2006); (2006 c 75 § 2 expired July 1, 2006); (2006 c 8 § 111 expired July 1, 2006); (2003 1st sp.s. c 26 § 926 expired June 30, 2005); **2003 c 277 § 3**; **2003 c 124 § 1**; prior: **2002 c 335 § 1**; **2002 c 224 § 2**; **2002 c 205 § 4**; **2002 c 172 § 1**; prior: **2001 c 278 § 1**; **2001 c 98 § 2**; **2001 c 70 § 1**; prior: **2000 c 134 § 3**; **2000 c 56 § 1**; **2000 c 6 § 5**; prior: **1999 c 326 § 3**; **1999 c 290 § 1**; **1999 c 215 § 1**; **1998 c 69 § 1**; prior: **1997 c 310 § 2**; **1997 c 274 § 8**; **1997 c 250 § 7**; **1997 c 239 § 4**; **1997 c 220 § 120** (Referendum Bill No. 48, approved June 17, 1997); **1997 c 58 § 900**; prior: **1996 c 305 § 2**; **1996 c 253 § 302**; **1996 c 191 § 88**; **1996 c 80 § 1**; **1995 c 267 § 6**; prior: **1994 c 233 § 2**; **1994 c 182 § 1**; prior: **1993 c 360 § 2**; **1993 c 320 § 9**; **1993 c 280 § 35**; prior: **1992 c 139 § 5**; **1992 c 71 § 12**; **1991 c 301 § 13**; **1991 c 87 § 13**; **1991 c 23 § 10**; **1991 c 1 § 1**; **1990 2nd ex.s. c 1 § 1103**; **1990 c 256 § 1**; prior: **1989 1st ex.s. c 9 § 407**; **1989 c 352 § 7**; **1989 c 279 § 23**; **1989 c 238 § 1**; **1989 c 205 § 20**; **1989 c 189 § 3**; **1989 c 11 § 12**; prior: **1987 c 411 § 10**; **1987 c 404 § 1**; **1987 c 370 § 16**; **1987 c 337 § 1**; **1987 c 107 § 2**; prior: **1986 c 299 § 25**; **1986 c 276 § 7**; **1985 c 414 § 8**; **1984 c 143 § 21**; **1983 c 133 § 10**; **1982 c 64 § 1**; **1977 ex.s. c 314 § 13**; **1975-'76 2nd ex.s. c 82 § 5**; **1975 1st ex.s. c 294 § 17**; **1973 c 1 § 31** (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW **42.17.310**.]

**NOTES:**

**\*Reviser's note:** RCW **42.56.230** was amended by 2011 c 173 § 1, changing subsection (3) (a) to subsection (4)(a).

**Expiration date—2006 c 302 §§ 9 and 11:** See note following RCW **66.28.180**.

**Expiration date—2006 c 75 § 2:** "Section 2 of this act expires July 1, 2006." [ **2006 c 75 § 4**.]

**Expiration date—2006 c 8 § 111:** "Section 111 of this act expires July 1, 2006." [ **2006 c 8 § 404**.]

**Expiration date—Severability—Effective dates—2003 1st sp.s. c 26:** See notes following RCW **43.135.045**.

**Working group on veterans' records:** "The protection from identity theft for veterans who choose to file their discharge papers with the county auditor is a matter of gravest concern. At the same time, the integrity of the public record of each county is a matter of utmost importance to the economic life of this state and to the right of each citizen to be secure in his or her ownership of real property and other rights and obligations of our citizens that rely upon the public record for their proof. Likewise the integrity of the public record is essential for the establishment of ancestral ties that may be of interest to this and future generations. While the public record as now kept by the county auditors is sufficient by itself for the accomplishment of these and many other public and private purposes, the proposed use of the public record for purposes that in their nature and intent are not public, so as to keep the veterans' discharge papers from disclosure to those of ill intent, causes concern among many segments of the population of this state.

In order to voice these concerns effectively and thoroughly, a working group may be convened by the joint committee on veterans' and military affairs to develop a means to preserve the integrity of the public record while protecting those veterans from identity theft." [ [2002 c 224 § 1.](#)]

**Effective date—2002 c 224 § 1:** "Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 28, 2002]." [ [2002 c 224 § 4.](#)]

**Findings—Severability—Effective dates—2002 c 205 §§ 2, 3, and 4:** See notes following RCW [28A.320.125](#).

**Finding—2001 c 98:** "The legislature finds that public health and safety is promoted when the public has knowledge that enables them to make informed choices about their health and safety. Therefore, the legislature declares, as a matter of public policy, that the public has a right to information necessary to protect members of the public from harm caused by alleged hazards or threats to the public.

The legislature also recognizes that the public disclosure of those portions of records containing specific and unique vulnerability assessments or specific and unique response plans, either of which is intended to prevent or mitigate criminal terrorist acts as defined in RCW [70.74.285](#), could have a substantial likelihood of threatening public safety. Therefore, the legislature declares, as a matter of public policy, that such specific and unique information should be protected from unnecessary disclosure." [ [2001 c 98 § 1.](#)]

**Findings—Conflict with federal requirements—Severability—2000 c 134:** See notes following RCW [50.13.060](#).

**Effective date—1998 c 69:** See note following RCW [28B.95.025](#).

**Effective date—1997 c 274:** See note following RCW [41.05.021](#).

**Referendum—Other legislation limited—Legislators' personal intent not indicated—Reimbursements for election—Voters' pamphlet, election requirements—1997 c 220:** See RCW [36.102.800](#) through [36.102.803](#).

**Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58:** See RCW [74.08A.900](#) through [74.08A.904](#).

**Severability—1996 c 305:** See note following RCW [28B.85.020](#).

**Findings—Purpose—Severability—Part headings not law—1996 c 253:** See notes following RCW [28B.109.010](#).

**Captions not law—Severability—Effective dates—1995 c 267:** See notes following RCW [43.70.052](#).

**Effective date—1994 c 233:** See note following RCW [70.123.075](#).

**Effective date—1994 c 182:** "This act shall take effect July 1, 1994." [ [1994 c 182 § 2](#).]

**Effective date—1993 c 360:** See note following RCW [18.130.085](#).

**Effective date—1993 c 280:** See RCW [43.330.902](#).

**Finding—1991 c 301:** See note following RCW [10.99.020](#).

**Effective date—1991 c 87:** See note following RCW [18.64.350](#).

**Effective dates—1990 2nd ex.s. c 1:** See note following RCW [84.52.010](#).

**Severability—1990 2nd ex.s. c 1:** See note following RCW [82.14.300](#).

**Effective date—Severability—1989 1st ex.s. c 9:** See RCW [43.70.910](#) and [43.70.920](#).

**Severability—1989 c 11:** See note following RCW [9A.56.220](#).

**Effective date—1986 c 299:** See RCW [28C.10.902](#).

#### *Exemptions from public inspection*

*basic health plan records:* RCW [70.47.150](#).

*bill drafting service of code reviser's office:* RCW [1.08.027](#), [44.68.060](#).

*certificate submitted by individual with physical or mental disability seeking a driver's license:* RCW [46.20.041](#).

*commercial fertilizers, sales reports:* RCW [15.54.362](#).

*criminal records:* Chapter [10.97](#) RCW.

*employer information:* RCW [50.13.060](#).

*family and children's ombuds:* RCW [43.06A.050](#).

*legislative service center, information:* RCW [44.68.060](#).

*medical quality assurance commission, reports required to be filed with:* RCW [18.71.0195](#).

*organized crime investigative information:* RCW [43.43.856](#).

*public transportation information:* RCW [47.04.240](#).

*salary and fringe benefit survey information:* RCW [41.06.160](#).

**WAC 44-14-04004 Responsibilities of agency in providing records.**

(1) **General.** An agency may simply provide the records or make them available within the five-business day period of the initial response. When it does so, an agency should also provide the requestor a written cover letter or email briefly describing the records provided and informing the requestor that the request has been closed. This assists the agency in later proving that it provided the specified records on a certain date and told the requestor that the request had been closed. However, a cover letter or email might not be practical in some circumstances, such as when the agency provides a small number of records or fulfills routine requests.

An agency can, of course, provide the records sooner than five business days. Providing the "fullest assistance" to a requestor would mean providing a readily available record as soon as possible. For example, an agency might routinely prepare a premeeting packet of documents three days in advance of a city council meeting. The packet is readily available so the agency should provide it to a requestor on the same day of the request so he or she can have it for the council meeting.

(2) **Means of providing access.** An agency must make nonexempt public records "available" for inspection or provide a copy. RCW 42.56.080. An agency is only required to make records "available" and has no duty to explain the meaning of public records.<sup>1</sup> Making records available is often called "access."

Access to a public record can be provided by allowing inspection of the record, providing a copy, or posting the record on the agency's web site and assisting the requestor in finding it (if necessary). An agency must mail a copy of records if requested and if the requestor pays the actual cost of postage and the mailing container.<sup>2</sup> The requestor can specify which method of access (or combination, such as inspection and then copying) he or she prefers. Different processes apply to requests for inspection versus copying (such as copy charges) so an agency should clarify with a requestor whether he or she seeks to inspect or copy a public record.

An agency can provide access to a public record by posting it on its public internet web site. Once an agency provides a requestor an internet address and link on the agency's web site to the specific records requested, the agency has provided the records, and at no cost to the requestor. RCW 42.56.520. If requested, an agency should provide reasonable assistance to a requestor in finding a public record posted on its web site. If the requestor does not have internet access, the agency may provide access to the record by allowing the requestor to view the record on a specific computer terminal at the agency open to the public. An agency shall not impose copying charges for access to or downloading records that the agency routinely posts on its web site prior to receipt of a request unless the requestor has specifically requested that the agency provide copies of such records through other means. RCW 42.56.120 (2)(e).

(3) **Providing records in installments.** The act provides that an agency must provide records "if applicable, on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure." RCW 42.56.080. An installment can include links to records on the agency's internet web site. The purpose of this installments provision is to allow requestors to obtain records in installments as they are assembled and to allow agencies to provide records in logical batches. The

provision is also designed to allow an agency to only assemble the first installment and then see if the requestor claims or reviews it before assembling the next installments. An agency can assess charges per installment for copies made for the requestor, unless it is using the up to two-dollar flat fee charge. RCW 42.56.120(4).

Not all requests should be provided in installments. For example, a request for a small number of documents which are located at nearly the same time should be provided all at once. Installments are useful for large requests when, for example, an agency can provide the first box of records as an installment. An agency has wide discretion to determine when providing records in installments is "applicable." However, an agency cannot use installments to delay access by, for example, calling a small number of documents an "installment" and sending out separate notifications for each one. The agency must provide the "fullest assistance" and the "most timely possible action on requests" when processing requests. RCW 42.56.100.

(4) **Failure to provide records.** A "denial" of a request can occur when an agency:

Fails to respond to a request;

Claims an exemption of the entire record or a portion of it;

Without justification, fails to provide the record after the reasonable estimate of time to respond expires; or

Determines the request is an improper "bot" request. An agency is only required to provide access to public records it has or has used.<sup>3</sup> An agency is not required to create a public record in response to a request.

An agency must only provide access to public records in existence at the time of the request. An agency is not obligated to supplement responses. Therefore, if a public record is created or comes into the possession of the agency after the request is received by the agency, it is not responsive to the request and need not be provided. A requestor must make a new request to obtain subsequently created public records.

Sometimes more than one agency holds the same record. When more than one agency holds a record, and a requestor makes a request to the first agency (agency A), agency A cannot respond to the request by telling the requestor to obtain the record from the second agency (agency B). Instead, an agency must provide access to a record it holds regardless of its availability from another agency.<sup>4</sup>

However, an agency is not required to go outside its own public records to respond to a request.<sup>5</sup> If agency A never prepared, owned, used or retained a record, but the record is available at agency B, the requestor must make the request to agency B, not agency A.

An agency is not required to provide access to records that were not requested. An agency does not "deny" a request when it does not provide records that are outside the scope of the request because they were never asked for.

(5) **Claiming exemptions.**

(a) **Redactions.** If a portion of a record is exempt from disclosure, but the remainder is not, an agency generally is required to redact (black out) the exempt portion and then provide the remainder. RCW 42.56.210(1). There are a few exceptions.<sup>6</sup> Withholding an entire record where only a portion of it is exempt violates the act.<sup>7</sup> Some records are almost entirely exempt but small portions remain non-exempt. For example, information revealing the identity of a crime victim is exempt from disclosure if certain conditions are met. RCW

42.56.240(2). If a requestor requested a police report in a case in which charges have been filed, and the conditions of RCW 42.56.240(2) are met, the agency must redact the victim's identifying information but provide the rest of the report.

Statistical information "not descriptive of any readily identifiable person or persons" is generally not subject to redaction or withholding. RCW 42.56.210(1). For example, if a statute exempted the identity of a person who had been assessed a particular kind of penalty, and an agency record showed the amount of penalties assessed against various persons, the agency must provide the record with the names of the persons redacted but with the penalty amounts remaining.

Originals should not be redacted. For paper records, an agency should redact materials by first copying the record and then either using a black marker on the copy or covering the exempt portions with copying tape, and then making a copy. Another approach is to scan the paper record and redact it electronically. It is often a good practice to keep the initial copies which were redacted in case there is a need to make additional copies for disclosure or to show what was redacted; in addition, an agency is required under its records retention schedules to keep responses to a public records request for a defined period of time. For electronic records such as databases, an agency can sometimes redact a field of exempt information by excluding it from the set of fields to be copied. For other electronic records, an agency may use software that permits it to electronically redact on the copy of the record. However, in some instances electronic redaction might not be feasible and a paper copy of the record with traditional redaction might be the only way to provide the redacted record. If a record is redacted electronically, by deleting a field of data or in any other way, the agency must identify the redaction and state the basis for the claimed exemption as required by RCW 42.56.210(3).

(b) **Brief explanation of withholding.** When an agency claims an exemption for an entire record or portion of one, it must inform the requestor of the statutory exemption and provide a brief explanation of how the exemption applies to the record or portion withheld. RCW 42.56.210(3). The brief explanation should cite the statute the agency claims grants an exemption from disclosure. The brief explanation should provide enough information for a requestor to make a threshold determination of whether the claimed exemption is proper. Nonspecific claims of exemption such as "proprietary" or "privacy" are insufficient.

One way to properly provide a brief explanation of the withheld record or redaction is for the agency to provide a withholding log, along with the statutory citation permitting withholding, and a description of how the exemption applies to the information withheld. The log identifies the type of record, its date and number of pages, and the author or recipient of the record (unless their identity is exempt).<sup>8</sup> The withholding log need not be elaborate but should allow a requestor to make a threshold determination of whether the agency has properly invoked the exemption.

Another way to properly provide a brief explanation is to use another format, such as a letter providing the required exemption citations, description of records, and brief explanations. Another way to properly provide a brief explanation is to have a code for each statutory exemption, place that code on the redacted information, and attach a list of codes and the brief explanations with the agency's response.

(6) **Notifying requestor that records are available.** If the requestor sought to inspect the records, the agency should notify him or her that the entire request or an installment is available for inspection and ask the requestor to contact the agency to arrange for a mutually agreeable time for inspection.<sup>9</sup> The notification should recite that if the requestor fails to inspect or copy the records or make other arrangements within thirty days of the date of the notification that the agency will close the request and refile the records. An agency might consider on a case-by-case basis sending the notification by certified mail to document that the requestor received it.

If the requestor sought copies, the agency should notify him or her of the projected costs and whether a copying deposit is required before the copies will be made. Such notice by the agency with a summary of applicable estimated charges is required when the requestor asks for an estimate. RCW 42.56.120 (2)(f). The notification can be oral to provide the most timely possible response, although it is recommended that the agency document that conversation in its file or in a follow-up email or letter.

(7) **Documenting compliance.** An agency should have a process to identify which records were provided to a requestor and the date of production. An agency may wish to apply a "read receipt" rule to emails to requestors or ask the requestor to confirm if he/she received the email from the agency. In some cases, an agency may wish to number-stamp or number-label paper records provided to a requestor to document which records were provided. The agency could also keep a copy of the numbered records so either the agency or requestor can later determine which records were or were not provided; and, an agency is required to keep copies of its response to a request for the time period set out in its records retention schedule. However, the agency should balance the benefits of stamping or labeling the documents and making extra copies against the costs and burdens of doing so. For example, it may not be necessary to affix a number on the pages of records provided in response to a small request.

If memorializing which specific documents were offered for inspection is impractical, an agency might consider documenting which records were provided for inspection by making a list of the files or records made available for inspection.

Notes:

<sup>1</sup>*Bonamy v. City of Seattle*, 92 Wn. App. 403, 409, 960 P.2d 447 (1998).

<sup>2</sup>*Am. Civil Liberties Union v. Blaine Sch. Dist. No. 503*, 86 Wn. App. 688, 695, 937 P.2d 1176 (1997); RCW 42.56.120.

<sup>3</sup>*Sperr v. City of Spokane*, 123 Wn. App. 132, 136-37, 96 P.3d 1012 (2004).

<sup>4</sup>*Hearst Corp. v. Hoppe*, 90 Wn.2d 123, 132, 580 P.2d 246 (1978).

<sup>5</sup>*Limstrom v. Ladenburg (Limstrom II)*, 136 Wn.2d 595, 963 P.2d 896 (1998) n.3 ("On its face the Act does not require, and we do not interpret it to require, an agency to go outside its own records and resources to try to identify or locate the record requested."); *Koenig v. Pierce County*, 151 Wn. App. 221, 232-33, 211 P.3d 423 (2009) (agency has no duty to coordinate responses with other agencies, citing to and quoting *Limstrom II*).

<sup>6</sup>The two main exceptions to the redaction requirement are state "tax information" (RCW 82.32.330 (1)(c)) and law enforcement case files in active cases *Sargent v. Seattle Police Dept.*, 179 Wn.2d 376, 314 P.3d 1093 (2013). Neither of these two kinds of records must be redacted but rather may be withheld in their entirety.

<sup>7</sup>*Seattle Firefighters Union Local No. 27 v. Hollister*, 48 Wn. App. 129, 132, 737 P.2d 1302 (1987).

<sup>8</sup>*Progressive Animal Welfare Soc'y. v. Univ. of Wash.*, 125 Wn.2d 243, 271, n.18, 884 P.2d 592 (1994) ("*PAWS II*").

<sup>9</sup>For smaller requests, the agency might simply provide them with the initial response or earlier so no notification is necessary.

[Statutory Authority: RCW 42.56.570. WSR 18-06-051, § 44-14-04004, filed 3/2/18, effective 4/2/18. Statutory Authority: 2005 c 483 § 4, amending RCW 42.56.570. WSR 07-13-058, § 44-14-04004, filed 6/15/07, effective 7/16/07. Statutory Authority: 2005 c 483 § 4, RCW 42.17.348. WSR 06-04-079, § 44-14-04004, filed 1/31/06, effective 3/3/06.]