

OSPI PUBLIC RECORDS EXEMPTION CODES

Code	Exemption	Explanatory Description	Statute/Rule
1a	Student Personal information: name, address, home phone or personal mobile number, date of birth, ID number, and/or email	Personal information in any files maintained for students in public schools are exempt from disclosure. Federal law also prohibits disclosure of personally identifiable information from education records without the consent of the student.	RCW 42.56.230(1); RCW 42.56.230(2); RCW 42.56.230 (7)(a); RCW 42.56.070(1); 20 U.S.C. § 1232g; 34 CFR §99.31
1b	Parent Personal information: name, address, home phone or personal mobile number, email address	Personal information for the family members or guardians of a student is exempt if the information would result in disclosure of the personal information of the student. Emergency contact information of family members or guardians is also exempt. Federal law prohibits disclosure of personally identifiable information from education records without the consent of the student.	RCW 42.56.230(1); RCW 42.56.230(2); RCW 42.56.230 (7)(a); RCW 42.56.070(1); 20 U.S.C. § 1232g; 34 CFR §99.31
1c	Other Personal information	Federal law prohibits disclosure of information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.	RCW 42.56.070(1); RCW 42.56.230 (7)(a); 20 U.S.C. § 1232g; 34 CFR §99.31; 34 CFR §99.3
1d	Student data count less than 10	To protect the privacy of students, the results of schools and districts that test fewer than ten students shall not be reported.	RCW 42.56.070(1); RCW 28A.655.090(7); 20 U.S.C. § 1232g; 34 CFR §99.31

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2a	Employee and/or Volunteer Personal Information	<p>The residential addresses, personal telephone numbers, personal email 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, telephone numbers, personal email addresses, social security numbers, and emergency contact information of dependents.</p> <p>Voluntarily submitted information collected and maintained by a state agency or higher education institution that identifies an individual state employee's personal demographic details. "Personal demographic details" means race or ethnicity, sexual orientation as defined by *RCW 49.60.040(26), immigration status, national origin, or status as a person with a disability. This exemption does not prevent the release of state employee demographic information in a deidentified or aggregate format.</p>	RCW 42.56.250(4); RCW 42.56.250(11); RCW 42.56.230(3); RCW 42.56.230 (7)(a); RCW 42.56.050; RCW 49.60.040(26) RCW 51.12.035
2b	Test Information	Test questions, scoring keys, and other examination data used to administer a license, employment, or other academic examination.	RCW 42.56.250(1)
2c	Applications for public employment	All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.	RCW 42.56.250(2)
2d	Identity Information: birth certificate, social security card, passport, driver's license	Any record used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicard.	RCW 42.56.230 (7)(a)
3a	Financial information: including SSN and Driver's License	Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial information.	RCW 42.56.230(5) RCW 9.35.005
3b	Employee Performance Evaluation and/or Professional growth plans	Employee's performance evaluations with no discussion of specific incidents of misconduct is presumed to be highly offensive and of no legitimate concern to the public and the disclosure would violate their right to privacy. Professional growth plans (PGPs) in educator license renewals submitted through the eCert system are exempt.	RCW 42.56.230(3) RCW 42.56.250(3)

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3c	Employee Right to Privacy	Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy. Information regarding misconduct is not exempt.	RCW 42.56.230(3); RCW 42.56.050
3d	Employee Unsubstantiated Allegation of Misconduct	An unsubstantiated or false allegation relating to sexual misconduct is not an action taken by an employee during the course of performing public duties but a matter concerning the employee's private life; disclosure would violate the right to privacy.	RCW 42.56.230(3)
3e	Religious Affiliation	All records that relate to or contain personally identifying information about an individual's religious beliefs, practices, or affiliation are exempt from disclosure.	RCW 42.56.235
3f	Agency Investigative Records of Possible Unfair Practices	Ongoing investigations are exempt in their entirety. Upon notification of the complaining employee, the records may be disclosed only if the names of complainants, other accusers, or witnesses are redacted unless a complainant, other accuser, or witness consented to the disclosure of their name. The agency must inform a complainant, other accuser, or witness that his or her name will be redacted from the investigation unless he or she consents to disclosure.	RCW 42.56.250(6) RCW 49.60
4a	Identity of Witnesses or Victim	Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's 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.	RCW 42.56.240(5)

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4b	Medical Records: records relating to sexually transmitted diseases, mental illness, substance abuse, FMLA	<p>Any health care records obtained from a health care provider utilized to determine compliance with state or federal licensure, certification or registration rules or laws, or to investigate unprofessional conduct or ability to practice with reasonable skill and safety are exempt.</p> <p>Information regarding the medical condition or history of an employee or applicant shall be treated as confidential medical records. Records and documentation relating to certifications, recertifications, or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files.</p> <p>The identity of any person who has investigated, considered, or requested a test or treatment for a sexually transmitted disease is exempt.</p> <p>The fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies must be confidential. The fact of admission and all information/records related to the mental health services obtained through treatment for minors is confidential.</p> <p>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 United States shall be confidential.</p>	<p>RCW 70.02.050(2)(a); RCW 42.56.070(1); 42 USC §12112(d); 29 CFR 1630.14(c)(1); RCW 70.02.005(4); RCW 70.02.020(1); RCW 42.56.360(2) 29 CFR § 825.500(g); RCW 70.02.220(1); RCW 70.02.230; RCW 70.02.240; 42 CFR Part 2; 42 U.S.C.A. § 290dd-2;</p>

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4c	Driver History	Any person or entity receiving an abstract of a person's driving record shall use the abstract exclusively for his, her, or its own purposes or as otherwise expressly permitted and shall not divulge any information contained in the abstract to a third party.	RCW 42.56.070(1); RCW 46.52.130(3)
5a	Criminal History: non-conviction data	Non-conviction information may not be disclosed to the public.	RCW 42.56.070(1); RCW 10.97.030; RCW 10.97.050; RCW 43.43.815(4); RCW 43.43.830
5b	Criminal History: background checks	Conviction record furnished to employer shall be available only to persons involved in the hiring, background investigation, or job assignment of the person whose record is disseminated.	RCW 42.56.070(1); RCW 43.43.830; RCW 43.43.815(4); RCW 43.43.834(5)
5c	Criminal History: FBI rap sheet	These records may be used solely for the purpose requested and cannot be disseminated outside the receiving departments, related agencies, or other authorized entities.	RCW 42.56.070(1); 28 CFR 513.20(b) 28 CFR 16.31
5d	Criminal History: fingerprint results	These records may be used solely for the purpose requested and cannot be disseminated outside the receiving departments, related agencies, or other authorized entities.	RCW 42.56.070(1); 28 CFR 50.12(b)
6a	Valuable Formulae and Trade Secrets: proprietary, financial, and commercial information	Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.	RCW 42.56.270; RCW 19.108.010 et seq.; RCW 42.56.070(1); RCW 19.108 Federal Copyright Act, 17 U.S.C., sec. 102, 301, and 106(1);
6b	Security: passwords and access codes, risk assessments, recovery plans, security tests	Information regarding the public and private infrastructure and security of computer and telecommunications networks, and other such information the release of which may increase risk to the confidentiality, integrity, or availability of security, information technology infrastructure, or assets.	RCW 42.56.420(4)

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7a	Taxes: excise tax return, taxpayer's identity, or tax information	"Taxpayer identity" means the taxpayer's name, address, telephone number, registration number, or any combination thereof, or any other information disclosing the identity of the taxpayer. Returns and tax information are confidential and privileged. Neither the department nor any other person may disclose tax information.	RCW 42.56.070(1); RCW 82.32.330; RCW 42.56.210(1); RCW 84.08.210
8a	Deliberative Process	<ul style="list-style-type: none"> • An agency must show that the records contain predecisional opinions or recommendations expressed as part of a deliberative process; • The disclosure would be injurious to the deliberative or consultative function of the process; • The disclosure would inhibit the flow of recommendations, observations, and opinions; <u>and</u> • The materials covered by the exemption reflect policy recommendations and opinions and not raw factual data on which a decision is based. • The exemption only applies during the deliberative process and any records that qualify to be withheld are no longer exempt after a final decision or action is taken. <p>Records about implementing policy are not covered.</p>	RCW 42.56.280
9a	Attorney Client Privilege	This privilege applies only where the document and work product reflect (1) a communication; (2) made between privileged persons (legal counsel and employees of OSPI); (3) in confidence; (4) for the purpose of obtaining or providing legal assistance for the client. This privilege protects both obtaining and providing legal advice or assistance.	RCW 5.60.060(2) RCW 42.56.290 RCW 42.56.070(1)