

Seattle Police Department Exemption Overlays

April 2018

Law Enforcement Exemptions

Code	Exemption	Brief Explanation
1(a)	Active Investigation - RCW 42.56.240(1)	This case is under active investigation and non-disclosure is essential to effective law enforcement. (RCW 42.56.240(1).) Explanation: The contents of an active investigation are categorically exempt in their entirety. See <i>Newman v. King County</i> , 133 Wn.2d 565, 947 P.2d 712 (1997) and <i>Cowles Publishing Co. v. Spokane Police Department</i> , 139 Wn.2d 472 987 P.2d 620 (1999).
1(b)	Investigative Information - RCW 42.56.240(1), RCW 42.56.050	Record includes information non-disclosure of which is essential to effective law enforcement. (RCW 42.56.240(1) as defined by RCW 42.56.050) Explanation: Disclosure would jeopardize a criminal investigation/prosecution.
1(c)	Intelligence Information - RCW 42.56.240(1), RCW 43.43.856	Specific intelligence information which is essential to effective law enforcement is not disclosable. (RCW 42.56.240(1) and/or RCW 43.43.856) Explanation: Disclosure would reveal law enforcement techniques, capabilities, limitations, and the extent of law enforcement knowledge which would jeopardize investigations/prosecutions and/or assist individuals in criminal activity.
1(d)	Requested Nondisclosure - RCW 42.56.240(2)	Complainant, victim or witness requested the information not be disclosed. (RCW 42.56.240(2)) Explanation: The complainant's, victim's, or witness's indication at the time of the complaint controls the determination whether to disclose.
1(e)	Complainant/Victim/Witness Identities - RCW 42.56.240(2)	Disclosure of the information would endanger a person's life, physical safety, or property. (RCW 42.56.240(2)). Explanation: Disclosure of the information would cause the requisite endangerment.
1(f)	Privacy (investigative Record Content) RCW 42.56.240(1), RCW 42.56.050	Record includes information the non-disclosure of which is essential for the protection of a person's right to privacy. (RCW 42.56.240(1) as defined by RCW 42.56.050). Explanation: Disclosure of the information would be highly offensive to a reasonable person and is of no legitimate interest to the public.

1(g)	Driver's License Numbers, Driver's permit Numbers, and State Identification card numbers (information not received from DOL) RCW 42.56.230(5), RCW 9.35.005	Explanation: Disclosure would violate an individual's right to privacy, and could be used for identity theft, fraud or other criminal activity.
1(h)	Information Received Directly from Dept. of Licensing - RCW 46.12.635, 18 UCS § 2721, RCW 42.56.070	Explanation: Disclosure of an individual vehicle owner's name and address, driver's license number and VIN received directly from DOL to third parties is limited to specific parties. RCW 46.12.635 allows certain individuals, businesses and government agencies access to this information. A request for access must be directed to DOL. You may request access by going to the State Department of Licensing website (http://www.dol.wa.gov/), forms section, for a "Vehicle/Vessel Information Disclosure Request."
1(i)	WACIC Information - RCW 42.56.070, 28 USC § 534, 28 CFR 20.38, RCW 43.43.710	Record contains information directly obtained from the Washington Crime Information Center (WACIC) system, which is a centralized state computerized index of criminal justice information associated with the National Crime Information Center (NCIC) available to Federal, state, and local law enforcement and other criminal justice agencies for law enforcement purposes. Information obtained from WACIC/NCIC is restricted to law enforcement use pursuant to federal law. It may not be disseminated except to criminal justice agencies. It is exempt from disclosure under RCW 42.56.070 and 28 USC § 534, see also 28 CFR 20.38, and RCW 43.43.710. Explanation: Dissemination is statutorily prohibited.
1(j)	Jail Records/Booking Photos - RCW 70.48.100	The records contain booking photos and/or other jail records. (RCW 70.48.100) Explanation: Disclosure of the records of a person confined in jail is prohibited except to the subject. Disclosure of information is statutorily prohibited and would violate the subject's right to privacy.
1(k)	Identifying Information of Juveniles - RCW 13.50.050, RCW 13.50.100(3). RCW 13.50.100(4)(a) & (b)	(RCW 13.50.050) (records relating to commission of juvenile offenses) and RCW 13.50.100(3) and/or RCW 13.50.100(4)(a) and(b) (records not relating to commission of juvenile offenses)). Explanation: Agencies are prohibited from disclosing information related to juveniles without a court order or written consent because disclosure is statutorily prohibited and would violate the subject's right to privacy.

1(l)	Juvenile Crime Victims and Witnesses - RCW 7.69A.030(4)	Explanation: Must have permission of child victim or the child's parents or legal guardian before releasing the names, addresses, or photographs of the living child victim or witness to the public. Can be released without permission to another law enforcement agency, prosecutor, defense counsel, or private or governmental agency that provides services to the child victim or witness. Disclosure is statutorily prohibited and would violate the subject's right to privacy.
1(m)	Child Victim Sex Crime - RCW 10.97.130, RCW 42.56.240(5)	Records contain 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 10.97.130 and RCW 42.56.240(5)) Explanation: Disclosure would violate the child victim's right to privacy.
1(n)	Child Pornography - RCW 9.68A.011, RCW 9.68A.050, RCW 42.56.070	Records contain depictions of sexually explicit conduct as defined in RCW 9.68A.011. RCW 9.68A.050, an other statute under RCW 42.56.070. Explanation: Disseminating visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68.011 is a felony.
1(o)	Nonconviction Data - RCW 10.97.080	Records contain nonconviction data. Dissemination of nonconviction data is restricted by the Criminal Records Privacy Act, RCW 10.97.080. Explanation: Nonconviction records may be looked at by individuals, but copies may not be released. (<i>Hudgens v. Renton</i> , 49 Wn. App. 842, 746 P.2d 320 (1988)). The Criminal Records Privacy Act protects the privacy of individuals who are the subject of police investigations that do not lead to convictions.
1(p)	Toxicology - 45 CFR 164.502, RCW 70.02.020	Results of toxicology tests from an in-patient medical facility. (45 CFR 164.502 and/or RCW 70.02.020). Explanation: Disclosure of a medical record is statutorily prohibited and disclosure would both be highly offensive to a reasonable individual and of no legitimate interest to the public.
1(q)	In-Car Video - RCW 9.73.090(1)©	Pursuant to RCW 9.73.090(1)(c), no sound or video recording may be duplicated and made available to the public until final disposition of any litigation which arises from the incidents that were recorded. Explanation: ICV of an incident that results in actual

		civil or criminal litigation is exempt from disclosure while litigation is pending. litigation related to the video is pending.
1(r)	In-Custody Interrogation/Statement Recordings - RCW 9.73.090(b)(iv)	Explanation: Video and/or sound recordings of arrested persons by police officers responsible for making arrests or holding persons in custody before their first appearance in court may only be released for valid police or court activities.
1(s)	Computer/Telecom Passwords/Security/Internal -Use Only Phone Numbers - RCW 42.56.420(4)	Explanation: 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 is exempt because unauthorized access to the information could disrupt police operations, negatively affect police investigations, endanger citizens/law enforcement personnel, result in theft, fraud or other criminal activity, and expose law enforcement personnel to harassment.
1(t)	Specific and Unique Vulnerability Assessments of Specific and Unique Response or Deployment plans - RCW 42.56.420(1),	The record contains information assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts. (RCW 42.56.420(1)). Explanation: Disclosure of the information would expose specific vulnerabilities, response plans, and/or endanger citizens/law enforcement personnel.
1(u)	Concealed Weapon information obtained from the State - RCW 42.56.240(4), RCW 9.41.129	Explanation: Dissemination is statutorily prohibited and would violate the subject's right to privacy.
1(v)	Autopsy/Postmortem Records - RCW 68.50.105, RCW 11.02.005	Records contain reports and records of autopsies and postmortems, which are confidential under RCW 68.50.105 and RCW 11.02.005 and may only be released to personal representative of the decedent, family members, the attending physician or advanced registered nurse practitioner, the prosecuting attorney or law enforcement agencies having jurisdiction, public health officials, or to the department of labor and industries in cases in which it has an interest under relevant statute. Explanation: Disclosure is statutorily restricted. Disclosure could also violate the decedent's family's right to privacy and result in pain and suffering to the family.

1(w)	Decedent Images - RCW 42.56.240(1)	Applies to videos, photos and images that show victim's fear and distress from imminent death or images of a decedent's body. (RCW 42.56.240(1)) Explanation: Disclosure would invade the privacy of surviving family members and would be highly offensive to a reasonable person and is not of legitimate concern to the public.
1(x)	GPS/AVL Data Indicating Police Employee's Residence - RCW 42.56.240(13)	Disclosure would violate employee's privacy.
1(y)	Enhanced 911 Information - RCW 42.56.230(9), RCW 38.52	Explanation: Voluntarily submitted information contained in a database that is part of or associated with enhanced 911 emergency communications systems, or information contained or used in emergency notification systems is exempt until it is used in an emergency response. Information has not been used in emergency response and disclosure would violate an individual's right to privacy and discourage individuals from voluntarily sharing information.
1(z)	Emergency Notification System Information - RCW 42.56.230(9), RCW 35.82	(RCW 42.56.230(9); see also RCW Chapt. 38.52) Explanation: Disclosure would violate an individual's right to privacy and discourage individuals from voluntarily sharing information.
1(aa)	Local or Regional Gang Database Information - RCW 42.56.240(6)	Explanation: Disclosure would be detrimental to effective law enforcement.
1(bb)	BATFE Information - 18 U.S.C. § 923(g)(3)(B)	18 U.S.C. § 923(g)(3)(B) states that BATFE Firearms Trace Summaries may only be released to law enforcement agencies or prosecutors in connection with a criminal investigation. Explanation: Dissemination is statutorily restricted.
1(cc)	Driver/passenger Required Accident Reports - RCW 46.52.080	Reports required by officers to be prepared by drivers or passengers of vehicles involved in accidents are confidential under RCW 46.52.080. Limited disclosure may be made to persons who may have a proper interest therein—driver(s), parents/guardians of minor drivers, owners of vehicles or property damaged, or other authorized representatives, attorneys, or insurers of such interested parties. Explanation: Disclosure is statutorily restricted.

1(dd)	Past Retention - RCW 40.14, 40.14.060	The requested records meet the statutory definition of public records, and as such, they are required to be maintained and disposed of in accordance with the provisions of 40.14 RCW. The records were destroyed prior to receipt of your request pursuant to the Secretary of State approved Record Retention Schedule, RCW 40.14.060. Explanation: Agencies may destroy records in compliance with appropriate records retention requirements. <i>See, BIAW v. McCarthy</i> , 152 Wn. App. 720, 218 P. 3d 196 (2009); <i>see also, Daines v. Spokane Co.</i> , 111 Wn. App. 342, 44 P.3d 909 (2002) (holding that there is no private right of action under RCW 40.14).
1(ee)	Information revealing the identity of a confidential informant is privileged pursuant to RCW 5.60.060(5), an other statute under RCW 42.56.070(1).	Information revealing the identity of a confidential informant is privileged pursuant to RCW 5.60.060(5), an other statute under RCW 42.56.070(1). Nondisclosure of information that reveals the identity of a confidential informer is also essential to effective law enforcement therefore exempt pursuant to RCW 42.56.240(1). Brief Explanation: SPD cannot deny or confirm whether an individual is a confidential informant without an order from a criminal court finding that disclosure of the information is relevant and helpful to defense, or essential to a fair determination of cause, in a particular criminal case. <i>See, State v. Harris</i> , 91 Wn.2d 145, 588 P.2d (1978).
1(ff)	Biometric identifiers including an individual's retina or iris scan, fingerprint, voiceprint, DNA, or scan of hand or face geometry - RCW 40.26.020(5)	Biometric identifier meaning any information, regardless of how it is captured, converted, stored, or shared, based on an individual's retina or iris scan, fingerprint, voiceprint, DNA, or scan of hand or face geometry are exempt from disclosure, except when such information is derived from: (i) Writing samples, written signatures, photographs, human biological samples used for valid scientific testing or screening, demographic data, tattoo descriptions, or physical descriptions such as height, weight, hair color, or eye color; (ii) Donated organ tissues or parts, or blood or serum stored on behalf of recipients or potential recipients of living or cadaveric transplants and obtained or stored by a federally designated organ procurement agency; (iii) Information captured from a patient in a health care setting or information collected, used, or stored for health care treatment, payment, or operations under the federal health insurance portability and accountability act of 1996; or (iv) X-ray, roentgen process, computed tomography, magnetic

		resonance imaging (MRI), positron emission tomography (PET) scan, mammography, or other image or film of the human anatomy used to diagnose, develop a prognosis for, or treat an illness or other medical condition or to further validate scientific testing or screening.
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Medical Exemptions

Code	Exemption	Brief Explanation
2(a)	Medical Care and Mental Health Care Records - RCW 70.02.020(1), RCW 71.05, RCW 42.56.360(2)	Explanation: Record contains medical and/or mental health care provider records exempt from disclosure to third parties without the patient's written authorization, a court order, or in connection with certain discovery requests.
2(b)	Medical and Mental Health Information Disclosure of Which Would Violate Privacy - RCW 42.56.230(3), RCW 42.56.240(1)	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 or RCW 42.56.240(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy). Explanation: Disclosure would both be highly offensive to a reasonable individual and of no legitimate interest to the public.
2(c)	Fire Dept. Form 20(B) - RCW 70.02.020(1), RCW 71.05, RCW 42.56.360(2)	Explanation: Record contains medical and/or mental health care information exempt from disclosure to third parties without the patient's written authorization, a court order, or in connection with certain discovery requests

Financial and Tax Exemptions

Code	Exemption	Brief Explanation
3(a)	Credit Card Numbers, Debit Card Numbers, Electronic Check Numbers, Card Expiration Dates, & Bank or Other Account Numbers and balances Transactional Information Concerning an Account, Codes, Passwords, and Account Access or Transaction Initiation Information - RCW 42.56.230(5), RCW 9.35.005	Explanation: Disclosure would violate an individual's right to privacy, and could be used for identity theft, fraud or other criminal activity.
3(b)	Social Security Numbers and Tax Identification Numbers - RCW 42.56.230(5), RCW 9.35.005, RCW 42.56.250(3)	Explanation: Disclosure would violate an individual's right to privacy, and could be used for identity theft, fraud or other criminal activity. SSNs of agency employees, volunteers, and their dependents are also specifically exempt. (RCW 42.56.250(3)).
3(c)	Driver's License Numbers, Driver's Permit Numbers, and State Identification Card Numbers - RCW 42.56.230(5), RCW 9.35.005	Explanation: Disclosure would violate an individual's right to privacy, and could be used for identity theft, fraud or other criminal activity.
3(d)	Federal Tax Information - 26 U.S.C. §6103, RCW 42.56.070	Explanation: The release of any federal return or return information that can be associated with, or otherwise identify a particular taxpayer is prohibited by federal law.
3(e)	State/Local Taxpayer Information - RCW 42.56.230(3), SMC 5.55.200, RCW 35.102.145	Explanation: "Tax information" including 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, overassessments, or tax payments, whether taken from the taxpayer's books and records or any other source, whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing, and other data received by, recorded by, prepared by, furnished to, or collected by the City with respect to the determination of the existence, or possible existence, of liability, or the amount thereof, of a person under the Seattle Municipal Code for a tax, penalty, interest, fine, forfeiture, or other imposition, or offense is exempt.

3(f)	Child-Support Records (including Garnishment Records) - RCW 26.23.120, RCW 42.56.070	Explanation: Records concerning individuals who owe, pay, are owed, or receive child support may be disclosed only in the following circumstances: if all details identifying an individual are deleted; the individual consents to the disclosure; or to agencies (and certain contractors), the subject of the record, in litigation (with notice and protective restrictions). Disclosure of the information would be highly offensive to a reasonable person and is not of legitimate concern to the public.
3(g)	Credit Reports - RCW 42.56.240(1), RCW 42.56.250(3), RCW 42.56.050, RCW 19.182.020 & .030, RCW 19.18.140	Explanation: Disclosure of the information would be highly offensive to a reasonable person and is of no legitimate interest to the public. See also, RCW 19.182.020 and .030 limit the purposes for which and to whom a credit report may be furnished without the subject's authorization, and RCW 19.18.140 making it a crime for a consumer reporting agency to provide a credit report to an unauthorized individual.

Employee Information Exemptions

Code	Exemption	Brief Explanation
4(a)	Agency Employees' Personal Information in Personnel, Employment-Related Records - RCW 42.56.250(3)	(RCW 42.56.250(3)) Explanation: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency. Information is contained in personnel records, public employment related records, or volunteer rosters, or is included in any mailing list of agency employees or volunteers and disclosure would violate employee's right to privacy.
4(b)	Criminal Justice Agency Employees Photos and Birthdates (if requestor is not a member of the news media) - RCW 42.56.250(8)	Explanation: Photographs and month and year of birth in the personnel files of employees and workers of criminal justice agencies. Information is contained in personnel file and disclosure would violate employee's right to privacy,

		and nondisclosure may be essential to effective law enforcement.
4(c)	Employee Numbers - RCW 42.56.230(3)	Explanation: Employee numbers are exempt when disclosed with employees' names. <i>Tacoma Public Library v. Woessner</i> , 90 Wn.App. 205, 219, 951 P.2d 357 (1998). Disclosure could violate an individual's right to privacy, and could be used for identity theft, fraud or other criminal activity.
4(d)	Employee Benefits/Insurance Info - RCW 42.56.230(3)	Explanation: Disclosure of an employee's voluntary deductions would be highly offensive to a reasonable person, and is not of legitimate concern to the public. There is no legitimate public interest in how employees spend their salaries; thus, a particular employee's voluntary deductions are exempt from disclosure. <i>Tacoma Public Library v. Woessner</i> , 90 Wn.App. 205, 222-23, 951 P.2d 357 (1998)
4(e)	Performance Evaluations that Do Not Discuss Specific Incidents of Misconduct - RCW 42.56.230(3)	<i>Dawson v. Daly</i> 120 Wn.2d 782, 845 P.2d 995 (1993)) Explanation: Disclosure of performance evaluations, that do not discuss specific instances of misconduct, is presumed to be highly offensive and no legitimate interest to the public.
4(f)	Employment Application Materials - RCW 42.56.250(2)	Explanation: Disclosure of the information would discourage individuals from applying for public employment and would be highly offensive to a reasonable person, and is not of legitimate concern to the public.
4(g)	Examination Materials - RCW 42.56.250(1)	Explanation: Test questions, scoring keys, and/or other examination data used to administer a license, employment or academic examination are exempt. Disclosure could give some individuals an unfair advantage over others and result in inaccurate measures of aptitude and performance.
4(h)	Ride-Share Information - RCW 42.56.330(3)	Explanation: The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service are exempt. Disclosure would violate an individual's right to privacy and discourage individuals from participating in ride-share programs.
4(i)	Transit Pass Information - RCW 42.56.330(5)	Explanation: The personally identifying information of persons who acquire and use transit passes or other fare payment media is exempt. Disclosure would violate an individual's right to privacy.

4(j)	Employee Wellness Programs - RCW 42.56.360(1), RCW 41.04.362	Explanation: All documents, including completed forms, received pursuant to a wellness program under RCW 41.04.362 but not statistical reports that do not identify an individual. Disclosure of the identities of employees enrolled in wellness programs would be highly offensive and no legitimate interest to the public.
4(k)	Worker's Compensation Records - RCW 51.28.070	Explanation: Information contained in the claim files and records of injured workers shall be deemed confidential and shall not be open to public inspection (other than to public employees in the performance of their official duties. Disclosure of information is statutorily prohibited and would violate the subject's right to privacy. Also, disclosure of certain information regarding the medical condition or history of employees may be prohibited from disclosure under the provisions of 42 USC Chapt. 126 § 12112 (d) (2-4) and/or WAC 162-22-090(4). Disclosure would be highly offensive and no legitimate interest to the public.

Attorney-Client, Litigation, and Deliberative Process Exemptions

Code	Exemption	Brief Explanation
5(a)	Attorney-Client Privileged Communications - RCW 42.56.070, RCW 5.60.060	Explanation: Records reflect communication between a client and an attorney for the purpose of seeking or providing legal advice.
5(b)	Attorney Work Product - RCW 42.56.290	Explanation: Disclosure of the records would reveal an attorney's mental impressions and thought processes in connection with completed, existing, anticipated litigation.
5(c)	Deliberative Process - RCW 42.56.280	Explanation: The records contain predecisional opinions or recommendations expressed as part of an ongoing deliberative process disclosure of which would be injurious to the deliberative process and would inhibit the flow of recommendations, observations and opinions. The records reflect policy recommendations and opinions and not raw factual data on which a decision is based. <i>See, Progressive Animal Welfare Society v. University of Washington</i> , 125 Wn.2d 243, 256, 884 P.2d 592 (1994).
5(d)	Mediation Communications - RCW 42.56.600, RCW 7.07, RCW 7.07(2)	Explanation: Contains "mediation communication" which RCW 7.07(2) defines as a statement, whether oral or in a record or verbal or nonverbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.

Trade Secret, Proprietary, and Real Estate Exemptions

Code	Exemption	Brief Explanation
6(a)	Valuable Formulae, Designs, Drawings, Computer Source Code or Object Code, and Research Data Obtained by Agency - RCW 42.56.270(1)	Records contain valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss (RCW 42.56.270(1)) Explanation: Release of the information would result in private gain and public loss.
6(b)	Trade Secrets and Proprietary Information - RCW 42.56.270(11)	Explanation: Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business;" or "(b) data unique to the product or services of the vendor." Disclosure would result in economic loss to vendor and make vendors reluctant to do business with public agencies.
6(c)	Real Estate Transactions Documents - RCW 42.56.260(1)	Explanation: The transaction has not closed or been abandoned, fewer than three years have passed, and disclosure would disadvantage the City's negotiating position.

Clients of Public Institutions Exemptions

Code	Exemption	Brief Explanation
7(a)	Utility Customers - RCW 42.56.330(2)	Explanation: The addresses, telephone numbers, electronic contact information, and customer-specific utility usage and billing information in increments less than a billing cycle of the customers of a public utility contained in the records or lists held by the public utility of which they are customers are exempt. Disclosure could violate an individual's right to privacy, and could be used for criminal activity
7(b)	Public Institution/Health Agency/Welfare - RCW 42.56.230(1)	Explanation: Personal information in any files maintained for patients or clients of public institutions or public health agencies, or welfare recipients is exempt. Information is confidential and disclosure of the information would be highly offensive to a reasonable person and is not of legitimate concern to the public.

7(c)	Participants in Child Care, Parks, Youth Development, and After-School Program Participants Identifying Information - RCW 42.56.230(2)	Explanation: Personal information, including but not limited to, addresses, telephone numbers, personal electronic mail addresses, social security numbers, emergency contact and date of birth information for a participant in a public or nonprofit program serving or pertaining to children, adolescents, or students, including but not limited to early learning or child care services, parks and recreation programs, youth development programs, and after-school programs. Personal information of family members or guardians with the same last name of or who reside at the same address of a child enrolled in such programs is exempt to the extent that disclosure would result in disclosure of the child's exempt personal information. Disclosure would violate an individual's right to privacy.
7(d)	Students in Public Schools, Patients or Clients of public Institutions or Public Health Agencies, or Welfare Recipients Exemption - RCW 42.56.230(1)	Explanation: Information is from files maintained for patients or clients of public institutions or public health agencies, or welfare recipients and is confidential. Disclosure of the information would be highly offensive to a reasonable person and is not of legitimate concern to the public.

Employee Investigation Exemptions

Code	Exemption	Brief Explanation
8(a)	Open EEO Investigation - RCW 42.56.250(6), RCW 49.60	Explanation: Investigative records compiled by an employing agency conducting an active and ongoing investigation of a possible unfair practice under Washington Law Against Discrimination, RCW Chapt. 49.60 ("WLAD") or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment are exempt. Disclosure would impede the investigation.
8(b)	Subject's Identity of Open Non-EEO Internal or Personnel Investigation Conducted by Either Law Enforcement or Non-Law Enforcement Agencies - RCW 42.56.230(3)	Explanation: Investigative records compiled by an employing agency conducting an active and ongoing investigation of a possible unfair practice under Washington Law Against Discrimination, RCW Chapt. 49.60 ("WLAD") or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment are exempt. Disclosure would impede the investigation.
8(c)	Identity of Subject of Unsustained Employment Investigation of Highly Offensive Allegation - RCW 42.56.230(3), RCW 42.56.240(1)	Explanation: The identity of the subject of an unsustained employee misconduct investigation is exempt when disclosure would violate that employee's right to privacy. The subject's right to privacy would be violated in this case because of the highly offensive nature of the allegations.

8(d)	Identifying Information of Complainants, Witnesses, & Victims who Requested Nondisclosure in Law Enforcement Internal Investigations - RCW 42.56.240(2)	Explanation: The complainant's, victim's, or witness's indication at the time of the complaint controls the determination whether to disclose and the c/v/w in this case requested nondisclosure.
8(e)	Whistleblower - RCW 42.41.030(7), RCW 42.41.020	Identifying Information of whistleblowers is exempt under RCW 42.41.030(7). Explanation: 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. (RCW 42.41.020).
8(f)	Identity of Subject of EEO Investigation who requested non-disclosure - RCW 42.56.250(5)	Information that identifies a person who, while an agency employee: (a) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (b) requests his or her identity or any identifying information not be disclosed.