

CENTRAL WASHINGTON UNIVERSITY

Explanation of Public Records Exemptions

The Public Records Act, RCW 42.56.070(1), exempts a public record from disclosure if the record falls within a specific exemption under RCW 42.56 or under any other statute that exempts or prohibits the disclosure of specific information or records. Records, or portions of records, that are withheld by Central Washington University in response to a public records request are marked with a bracketed numerical code indicating the statutory exemption that applies—e.g., [1], indicating protected student education records. Following is a brief explanation of the exemption(s) applied in responding to records requests.

[1] – Student Records

The Family Educational Rights & Privacy Act of 1974, 20 U.S.C. § 1232g, prohibits the disclosure of personally identifiable information in student education records without the student’s written consent. Records (or portions of records) marked [1] are student records protected from disclosure under RCW 42.56.070(1) and 20 U.S.C. § 1232g.

[2] – Attorney-Client Privilege

RCW 5.60.060(2)(a) protects communications between an attorney and the attorney’s client(s) for the purpose of obtaining or providing legal advice. The attorney-client privilege also protects communications within a client agency to gather information for obtaining legal advice or to convey attorney-client communications. Records (or portions of records) marked [2] are privileged attorney-client communications protected from disclosure under RCW 42.56.070(1) and 5.60.060(2)(a).

[3] – Attorney Work Product

RCW 42.56.290 protects attorney work product, consisting of drafts, notes, memoranda, research, attorney-client communications, and other records prepared, collected, or assembled in litigation or in anticipation of litigation that reveal factual or investigative information or that reflect the opinions or mental impressions of an attorney or attorney’s agent(s). Records (or portions of records) marked [3] consist of attorney work product protected from disclosure under RCW 42.56.290.

[4] – Public Employees—Applications

RCW 42.56.250(2) protects applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant for public employment. Records (or portions of records) marked [4] are public employee application materials protected from disclosure under RCW 42.56.250(2).

[5] – Public Employees—Personal Information

RCW 42.56.250(4) protects the personal addresses, phone numbers, email addresses, social security numbers, and emergency contact information of public employees and volunteers, as well as the names, birthdates, addresses, phone numbers, and social security numbers of their dependents. Records (or portions of records) marked [5] are exempt from disclosure as personal employee information protected under RCW 42.56.250(4).

[6] – Public Employees—Personnel Files

RCW 42.56.230(3) and 42.56.050 protect personal information in files maintained for public employees to the extent that disclosure would violate their right to privacy. Records (or portions of records) marked [6] are exempt from disclosure as containing private information in employee files protected under RCW 42.56.230(3) and 42.56.050, including but not limited to evaluative materials under the rule of *Dawson v. Daly*, 120 Wn.2d 782 (1993), relating to employee performance not involving specific instances of misconduct.

[7] – Personal Financial Information

RCW 42.56.230(5) protects personal financial information, including credit/debit card numbers, electronic check numbers, credit expiration dates, or bank or other financial account numbers. Records (or portions of records) marked [7] are withheld as containing personal financial information protected under RCW 42.56.230(5).

[8] – Social Security Numbers

Portions of public records marked [8] are withheld as containing individual Social Security Numbers protected from disclosure under RCW 42.56.070(1) and 5 U.S.C. § 552(a).

[9] – Systems Security

RCW 42.56.420(4) protects information regarding the infrastructure and security of computer and telecommunications networks, including security passwords, security access codes and programs, and access codes for secure software applications. Records (or portions of records) marked [9] are withheld as containing systems security information protected from disclosure under RCW 42.56.420(4).

[10] – Health Care Information

RCW 70.02 protects the confidentiality of patient health care information. Records (or portions of records) marked [10] are withheld as containing patient health care information protected from disclosure under RCW 42.56.070(1) and RCW 70.02.

[11] – Children—Personal Information

RCW 42.56.230(2)(a)(ii) protects personal information for a child enrolled in a public or nonprofit program serving or pertaining to children, adolescents, or students, including early learning or child care services, parks and recreation programs, youth development programs, and after-school programs. Records (or portions of records) marked [11] are withheld as containing personal information for a child protected under RCW 42.56.230(2)(a)(ii).

[12] – Crime Victims, Witnesses, Complainants

RCW 42.56.240(2) protects information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with law enforcement agencies if disclosure would endanger any person's life, safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for nondisclosure, such desire shall govern. Records (or portions of records) marked **[12]** are withheld as containing information revealing the identity of a complainant, victim, or witness under RCW 42.56.240(2).

[13] – Academic Examinations

RCW 42.56.250(1) protects inspection and copying of test questions, scoring keys, and other examinations data used to administer a license, employment, or academic examination. Records (or portions of records) marked **[13]** are withheld as containing test questions, scoring keys, and other examination data used to administer an academic examination under RCW 42.56.250(1).

[14] – Archeological Sites

RCW 42.56.300(1) protects records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites. Records (or portions of records) marked **[14]** are withheld as records identifying the location of archaeological sites under RCW 42.56.300(1).

[15] – Campus-Affiliated Advocate Records

RCW 42.56.240(16) and RCW 28B.112.030 protect survivor communications with, and records maintained by, campus-affiliated advocates, defined as sexual assault or domestic violence advocates employed by or volunteering for an institution of higher education. Records (or portions of records) marked **[15]** are withheld as containing survivor communications with or records maintained by campus-affiliated advocates under RCW 42.56.240(16) and RCW 28B.112.030.

[16] – Investigative Records

RCW 42.56.250(6) protects investigative records compiled by an employing agency conducting an active and ongoing investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment. Records (or portions of records) marked **[16]** are withheld as containing investigative records protected from disclosure under RCW 42.56.250(6).

[17] – Body Worn Camera Recordings

RCW 42.56.240(14) prohibits the disclosure of law enforcement body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to privacy under RCW 42.56.050. Body camera recordings (or portions thereof) marked or otherwise identified as **[17]** are withheld as containing body camera video and/or sound recordings protected from disclosure under RCW 42.56.240(14).

[18] – Nonconviction Data

The Washington Criminal Records Privacy Act, RCW 10.97.080, prohibits the disclosure of nonconviction data as defined in RCW 10.97.030(8), except to the person who is the subject of the record. Records (or portions of records) marked **[18]** are withheld as containing nonconviction data protected from disclosure under RCW 42.56.070(1) and RCW 10.97.080.