



UTC Coding Sheet [INTERNAL - NOT FOR DISTRIBUTION TO PUBLIC UNLESS SPECIFICALLY REQUESTED BY RFPR]			
Code	Category	RCW	Description
1	Attorney Client Privilege	5.60.060; Allowed under 42.56.070(1)	General statements of privileged communications between clients and their counsel, for the purpose of obtaining legal advice.
2	Attorney Client Privilege	42.56.290	When an agency is a party to a controversy, its records relevant to the controversy but which would not be available to another party under the rules of pretrial discovery for causes pending in the superior
3	Deliberative Process	42.56.280	Preliminary drafts, notes, recommendations, and intra-agency memos where opinions are expressed or policies are formulated recommended, unless publicly cited by agency.
4	Personal Information	42.56.230(3)	Personally identifiable information in personnel files if disclosure would violate their right to privacy. I.e. personal address, personal phone number's, etc.
4a	Personal Information	42.56.230(5)	Financial information: meaning any of the following information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit. Credit card number's, debit number's, elec. Check number's, and other financial info except when disclosure is required by other law.
4b	Personal Information	42.56.230(7)(a)	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 identicaid.
4c	Personal Information	42.56.330(2)	Phone number's, electronic contact info, customer-specific usage in billing info in increments less than billing cycle in public utility records.
4d	Personal Information	42.56.330(3)	Personally identifiable information in vanpool, carpool, or ride-share programs.
4e	Personal Information	42.56.330(4)	Personally identifiable information of current or former participants or applicants in transit services operated for those with disabilities or elderly persons.
4f	Personal Information	42.56.330(7)	Personally identifiable information of persons who use transponders and other tech. to facilitate payment of tolls
4g	Personal Information	42.56.330(9)	Personally identifiable information included in safety complaints submitted under chapter 81.61 RCW.
5	Confidential Information	42.56.270(1)	Financial, commercial, and proprietary information: valuable formulae, designs, drawings, and research obtained by agency within 5 yrs of request, if disclosure would produce private gain and public loss.
5a	Confidential Information	42.56.270(2)	Financial information supplied by bidder on ferry work or highway construction.
5b	Confidential Information	42.56.270(5)	Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW
5c	Confidential Information	4.24.601; Allowed under 42.56.070(1)	Trade secrets and confidential research, development, or commercial information

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5d	Confidential Information	42.56.330(1)	Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 (valuable commercial information, including trade secrets or confidential marketing, cost, or financial information, or customer-specific usage and network configuration and design information) or 81.77.210 (including trade secrets or confidential marketing, cost, or financial information, or customer-specific usage information, are not subject to inspection or copying under chapter 42.56 RCW: (1) Until notice to the person or persons directly affected has been given; and (2) if, within ten days of the notice, the person has obtained a superior court order protecting the records as confidential) that a court has determined are confidential under RCW 80.04.095 or 81.77.210
5e	Confidential Information	90.56.565(6) ; Allowed under 42.56.270(23)	Redacted Information that contains individual shipping information or is otherwise <i>unaggregated</i> , and is proprietary and redacted under RCW 90.56.565(6) pursuant to RCW 42.56.270(23).
6	Mediation	42.56.600	Records of mediation communications that are privileged under the Uniform Mediation Act- RCW 7.07.050(5), 7.07.070
7	Security	42.56.420(1)	Records designed to prevent, mitigate, or respond to criminal terrorist acts, the disclosure of which would have a substantial likelihood of threatening public safety. Has been extended to shapefile data that would be critical to a first responders' ability to provide for the public safety regardless of the instrumentality precipitating a pipeline catastrophe. <i>Northwest Gas Ass'n v. WUTC Comm'n</i> , 141 Wn. App. 98, 168 P.3d 443 (2007).
7a	Security	42.56.420(4)	Information regarding the infrastructure safety and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, and other information that might identify specific system vulnerabilities.
8	Autopsy Reports, Postmortems, and Toxicology Documents	68.50.105(1) ; Allowed under 42.56.510	Reports and records of autopsies, postmortems, and suicide notes shall be confidential, except that the following persons may examine and obtain copies of any such report or record: The personal representative of the decedent as defined in RCW 11.02.005, any family member, the attending physician or advanced registered nurse practitioners, the prosecuting attorney or law enforcement agencies having jurisdiction, public health officials, the department of labor and industries in case in which it has an interest under RCW 68.50.103, or the secretary of the department of social and health services or his or her designees in cases being reviewed under RCW 74.13.640. Exception : If a toxicology report is <u>received from a law enforcement agency outside of a coronors office</u> , this exemption will not apply.
9	Archaeological Sites	42.56.300(3)	Any site form, report, specific fields and tables relating to site form data within a database, or geographic information systems spatial layer obtained by any state agency or local government, or shared between any state agency, local government, or tribal government, is exempt from disclosure under this chapter
10	Health Care Records	70.02.050(2)(a) ; 42.56.070(1)	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 under chapter 18.130 RCW shall be exempt from public inspection and copying pursuant to chapter 42.56 RCW.

Last Revision: 03/15/2021 RS

DATE Opinion of:

9/19/2019 Laura Chartoff, ALJ

2/28/2019 Laura Chartoff, ALJ

10/8/2018 Harry Fukano, AAG

9/27/2018 Ryan Smith, FRA3

7/31/2018 Brett Shearer, AAG

5/21/2018 Sally Brown, AAG

5/23/2018 Brett Shearer, AAG

5/22/2018 Brett Shearer, AAG

5/22/2018 Brett Shearer, AAG

3/6/2018 Sally Brown, AAG

11/10/2016 Julian Beattie, AAG

12/4/2019 Jeff Roberson, AAG

Opinion

9/19/19 – Per Laura Chartoff, the disclaimer on emails – we don't need to worry about the disclaimers that attorney's or others put on each email they send out. According to Laura, "it is 2/28/19 – per Laura Chartoff, the autopsy exemption would not apply to a suicide note where the victim survived. There is no case law that definitively tells us whether another exemption applies. Because it could take me a long time to get an answer, and there is no active request 10/08/18 – per Harry Fukano, Responsive Photographs Which Depict Identifiable Person(s) – When the commission obtains photographs as part of a police report voluntarily provided by law enforcement, in order for the photograph to be exempt from disclosure under RCW 42.56.240(1), it must be "for the protection of any person's right to privacy" (RCW 42.56.050). Absent additional considerations or facts, the Commission should only withhold or redact a 9/27/18 – Documents prior to October 2018 that contain Autopsy Reports/Postmortems (RCW 68.50.105(1) and RCW 42.56.510) information could be marked as code (4c) or (4d) due a 07/31/18 – Per Brett Shearer, AAG, regarding VIN numbers – VIN numbers registered to large companies (rather than an individual). The commission past practices are not to redact VIN 5/21/18 - Per Sally Brown, AAG, regarding Toxicology information that has been provided in a police report. The PRA would not expect the agency to redact that information. 05/23/18 – Per Brett Shearer, AAG, REVISED OPINION regarding Vehicle License plates – Vehicle license plates do not need to be redacted unless they are specifically marked as confidential plates or there is some other unique situation where disclosure would invade a 5/22/18 – Per Brett Shearer, AAG, regarding Vehicle license plates - Vehicle licenses are exempt under 42.56.230(7)(c) and probably under RCW 42.56.050 as well. It's not a blanket exemption for all instances involving license plates, but the PRA exempts situations where vehicle license records provide individually identifiable information. I cannot think of a practical 5/22/18 – Per Brett Shearer, AAG, regarding EIN numbers - The PRA exempts EINs under 42.56.230(4), 42.56.230(5), 42.56.210, and, maybe, 42.56.050. An EIN is taxpayer information and considered private. The IRS and DOL both warn about potential complications if an EIN is 3/6/18 – Per Sally Brown, AAG, regarding Date of Birth disclosure – Because dates of birth are considered personally identifiable information, the commission should err on the side of 11/10/16 – Per Julian Beattie, AAG, regarding Suicide Notes – Suicide notes are exempt under the same law as Coroner Reports, i.e., RCW 68.50.105(1) RCW 42.56.510 (see 4d above). 12/04/2019 - Per Jeff Roberson, AAG, Regarding PII of Requestors - The Court of Appeals has signaled that it is improper to redact a requester's personal information (City of Fife v. Hicks, 186 Wn. App 122, 144, 345 P.3d 1 (2015)). I wouldn't even email the requester. I'd just