

Employment Security Department
Exempt and Confidential Records List

Part I: *Exceptions from disclosure in Chapter 42.56 RCW		
*See cited statute for complete description		
SECTION	STATUTE - RCW	DESCRIPTION
Personal Information	42.56.230 (3)	Personal information in files on employees, appointees, or elected officials if disclosure would violate their right to privacy
	42.56.230 (5)	Credit card numbers, debit card numbers, electronic check numbers, and other financial information, except when disclosure is required by other law
Investigative, law enforcement, and crime victims	42.56.240 (1)	Specific intelligence and investigative information completed by investigative, law enforcement, and penology agencies, and state agencies that discipline members of professions, if essential to law enforcement or a person's right to privacy*
	42.56.240 (2)	Identity of witnesses, victims of crime, or persons who file complaints, if they timely request nondisclosure and disclosure would endanger their life, personal safety, or property—does not apply to PDC complaints
	42.56.240(11)	Identify of state employee who filed an ethics complaint (based on conditions)
Employment and licensing	42.56.250 (1)	Test questions, scoring keys, and other exam information used on licenses, employment or academics
	42.56.250 (2)	Applications for public employment, including names, resumes
	42.56.250 (4)	Address, phone numbers, email address, SSNs, etc. of public employees or volunteers held by public agencies
	42.56.250 (5)	Information identifying an employee relating to an unfair practice under chapter 49.60 RCW Discrimination - Human Rights Commission, if requested
	42.56.250 (6)	Investigative records of an agency conducting an active and ongoing investigation of possible unfair practice under chapter 49.60 RCW or violation of laws prohibiting discrimination in employment.
Financial, commercial, and proprietary information	42.56.270 (1)	Valuable formulae, designs, drawings and research obtained by agency within 5 years of request for disclosure if disclosure would produce private gain and public loss

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SECTION	STATUTE - RCW	DESCRIPTION
Preliminary records containing opinions or policy formulations	42.56.280	Preliminary drafts, notes, recommendations, and intra-agency memos where opinions are expressed or policies formulated or recommended, unless cited by an agency
Agency party to a controversy	42.56.290	Agency records relevant to a controversy but which would not be available to another party under the rules of pretrial discovery for causes pending in the Superior courts
Transportation	42.56.330 (3)	Personal information in vanpool, carpool, ride-share programs (1997)
	42.56.330 (4)	Personal information of current or former participants or applicants in transit services operated for those with disabilities or elderly persons
Employment security	42.56.410	Most records and information supplied to Employment Security Department and subject to Chapter 50.13 RCW even if in possession of another agency
Security	42.56.420 (4)	Information regarding infrastructure and security of computer and telecommunications networks to the extent that they identify specific system vulnerabilities
Veterans' discharge papers	42.56.440	Veterans' discharge papers

Part II: *Confidential Information and Exceptions from disclosure in other statute		
*See cited statute for complete description		
SECTION	STATUTE - RCW	DESCRIPTION
Attorney-Client Privilege	5.60.060	General statements of privileged communications between persons & various professionals, e.g., attorneys or physicians – presumably applies to records
Trade Secrets	19.108	Trade Secrets as defined in RCW 19.108.010
Confidential Clause	50.13.015	Records submitted to Employment Security Department based on privacy and confidentiality

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SECTION	STATUTE - RCW	DESCRIPTION
Individual and Employer Records	50.13.020	Individual and Employer maintained by Employment Security Department through administration of its various programs
Medical Information	70.02.020, .050, et. al.	Health care/medical records in conjunction with RCW 42.56.230(2) and RCW 42.56.360.(2)