

Public Records Exemptions Accountability Committee
Thomas A. Carr, Chair
P.O. Box 94769
Seattle, WA 98124-4769

November 13, 2009

Lt. Governor Brad Owen, President of the Senate
Senator Lisa Brown, Senate Majority Leader
Representative Frank Chopp, Speaker, House of Representatives
Senator Darlene Fairley, Chair, Committee on Government Operations and Elections
Representative Sam Hunt, Chair, Committee on State Government and Tribal Affairs

RE: Annual Report of the Public Records Exemptions Accountability Committee

The Public Records Exemptions Accountability Committee – or “Sunshine Committee” – was created by Substitute House Bill 5435 in 2007.

In that bill, the Legislature stated that in light of the changing nature of information technology, recordkeeping, and the increasing number of public disclosure exemptions, periodic reviews of public disclosure exemptions are needed to determine if exemptions continue to serve the public interest. For this reason, the Legislature established the Committee to review all public disclosure exemptions, and make a recommendation to the Legislature as to whether each exemption should be continued without modification, modified, scheduled for sunset review at a future date, or terminated.

The Legislature called for an annual report on the Committee’s recommendations. This is the third report, and summarizes the Committee’s work since November 2008.

The following individuals were appointed to the Committee by the Governor, Legislature, Attorney General, and State Auditor:

Chair, Thomas A. Carr, Seattle City Attorney
Timothy D. Ford, Assistant Attorney General (vice chair)
Senator Adam Kline
Senator Pam Roach
Representative Lynn Kessler
Representative Jay Rodne
Rowland Thompson, effective September 10, 2008)
Ken Bunting, Associate Publisher, Seattle Post-Intelligencer
Frank Garred, retired newspaper publisher

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Roselyn Marcus, Director of Legal Affairs, Office of Financial Management
(reappointed August 2009)

Patience Rogge

Ramsey Ramerman, City of Everett

Candy Jackson, NATIVE Health of Spokane (term expired August 6, 2009)

In 2009, the Committee held 4 meetings, roughly on a quarterly basis. The Committee adopted three recommendations to retain, modify, or terminate exemptions. These recommendations relate to 3 exemptions contained in either RCW 42.56 or other chapters of the Revised Code of Washington (see attached spreadsheet). The Committee received and considered public comment with regard to all of these exemptions prior to adopting these recommendations. The Committee also heard public testimony at several meetings on a proposal related to the records and information that is required to be gathered relating to court appointed special advocates, and on numerous exemptions related to the insurance industry.

The Committee's recommendations are attached to this letter. This year, the Committee's recommendations are presented on one package because although each was not unanimously adopted, they are supported by a majority of the members and there is no minority report.

Very Truly Yours,

Thomas A. Carr, Chair
Public Records Exemptions Accountability Committee

Attachments:

2009 – List of exemptions considered
3 recommendations