

PUBLIC HOSPITAL DISTRICT NO. 4 OF GRANT COUNTY

POLICY REGARDING PUBLIC RECORDS REQUESTS

It is the policy of Public Hospital District No. 4 of Grant County, Washington, d/b/a McKay Healthcare and Rehabilitation Center (hereinafter referred to as the “District”) to release records of the District in compliance with the Public Records Act (the “Act”), set forth at Chapter 42.56 RCW, and any other applicable provisions of federal or state law.

I. OVERVIEW OF THE PUBLIC RECORDS ACT

A. Purposes of the Policy:

The purposes of this policy are to: (1) describe the organization of the District; and (2) comply with 42.56 RCW, the Public Records Act. Except where these guidelines are mandated by statute, the guidelines in this policy are discretionary and advisory only and shall not impose any affirmative duty on the District. The District reserves the right to apply and interpret the discretionary aspects of this policy as it sees fit, and to revise or change the policy at any time.

This policy shall be available at the District’s Main Office.

B. Definitions:

1. “Act” refers to the Public Records Act, at Chapter 42.56 RCW.
2. “District” refers to Public Hospital District No. 4 of Grant County, Washington, d/b/a McKay Healthcare and Rehabilitation Center.
3. “Health Care Information” means “individually identifiable health information” as defined in 42 U.S.C. 1320d(6) and any information “that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care” under RCW 70.02.010.
4. “Main Office” is defined in Section I.C of this Policy.
5. “Policy” refers to this policy regarding public records requests.
6. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. RCW 42.56.010(2).
7. “Public Records Officer” is the person identified in Section II.A.1 of this Policy.
8. “Quality Improvement Information” means information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality

assurance committee pursuant to RCW 74.42.640 or any review by a public hospital district commission and their staff and agents as provided in RCW 70.44.062.

9. "Records Request" means a request for Public Records made to the District pursuant to the Act.

10. "Requester" means the person or entity that has made a Records Request to the District.

11. "Writing" means handwriting, typewriting, printing, photocopying, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated. RCW 42.56.010(3).

C. **Organization of the District**

The public may obtain information, make submittals or requests, or obtain copies of public records at the District's business office between 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. The business office is located at:

McKay Healthcare and Rehab Center
127 Second Ave.
Soap Lake, WA 98851

II. **GUIDELINES**

A. **Public Records Request**

1. **Public Records Officer.**

The District's Public Records Officer is the Administrator / Superintendent or another person appointed by the Superintendent / Administrator. The Public Records Officer may be contacted in person or via first class mail. The Public Records Officer shall be responsible for implementation of this policy regarding the release of public records and generally insuring compliance by the District with the public records disclosure requirements.

2. **How to Make a Public Records Request.**

Public records may be inspected or copies of Public Records obtained by members of the public at the District's business office upon compliance with the following procedures:

(a) **Written Request / Form.** The District requires all requests be made in writing and directed to the Public Records Officer. Requests may be mailed, or delivered in person to the District's business office address. In-person requests must be made

during normal business hours. A request form, prescribed by the District, will be available at the business office. A copy is attached hereto as Appendix "A." The form may be revised from time to time by the Public Records Officer. The request should include the following information:

- (i) The name and address of the Requester;
- (ii) The date of the request;
- (iii) A detailed description of the public record(s) being requested;
- (iv) Whether the Requester wants copies or wants to inspect the requested records;
- (v) The address where copies are to be mailed (if copies are requested);
- (vi) A statement that the records are not being requested for a commercial purpose; and
- (vii) Signature of the Requester.

(b) **Identifiable Record.** A public records request must be for identifiable records. A request for all, or substantially all, records prepared, owned, used or retained by the District, for example, is not a valid request for identifiable records.

(c) **Clarification of Requests.** In all cases in which a member of the public is making a request that is unclear, the Public Records Officer may ask the requester for clarification and assist in appropriately identifying the public record requested. If the requestor fails to clarify the request, the District need not respond to it.

(d) **Communication with the Public Records Officer.** If the District does not respond in writing within five business days of receipt of the request for disclosure, the requestor should contact the public records officer to determine the reason for the failure to respond.

(e) **Requests for Information.** The District may deny a "request for information" as the request is not a request for a public "record" as required under Chapter 42.56 RCW.

B. Procedure for Response to Request

1. Search. The District will conduct an objectively reasonable search for responsive records. A reasonable agency search usually begins with the public records officer deciding where the records are likely to be and who is likely to know where they are.

2. No Duty to Create Records. The District is not obligated to create a new record to satisfy a records request.

3. Response. The District shall respond promptly to a Records Request. Within five (5) business days of receiving a Records Request, the District shall respond by:

(a) Notifying the Requester that the documents are available; or

(b) Acknowledging the request in writing and providing a reasonable estimate of the time the District will require to respond to the request. Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and/or to remove the exempt information and that a denial should be made as to all or part of the request; or

(c) Providing Electronic Records. When a requestor requests records in an electronic format, if technically feasible, the Public Records Officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the District and is generally commercially available; or will provide the records in a format that is reasonably translatable from the format in which the District keeps the record. The requestor may also opt to have the records provided to them on digital storage media or device.

(d) Time Extensions. If additional time is required beyond the District's initial estimate, the Public Records Officer should attempt to advise the requester of the need for additional time to respond. A revised estimate may be based upon any unexpected or unforeseen delays encountered during the request processing, additional requests submitted by the same requestor while the initial request is pending, and changed circumstances or other considerations ascertained during processing

(e) Denying the Records Request in whole or in part and if a record is denied, provide the basis for the denial citing the specific exemption and how it applies to the public record being withheld. All denials of public records will be immediately reviewed by legal counsel.

(f) Exemption Log. If the District determines that multiple records contain exempt information which should be withheld, in whole or in part, the District will prepare and maintain an exemption log of those records. The exemption log will identify: the type of record withheld; the date of record; the pages or a portion thereof withheld; the author and/or recipient; the exemption invoked; and a brief explanation of how the exemption applies to the withheld record or information. A copy of the exemption log will be reviewed by legal counsel before it is provided to the records requestor.

4. Large Requests. When a Records Request is for a large volume of records, the District may elect to provide records on an installment basis.

5. Computer Generated Requests. The District may deny bot requests when it is one of multiple requests within a twenty-four hour period, reasonably appears to have been automatically generated by a computer program or script, and responding to such requests would cause excessive interference with other essential functions of the District.

6. Removal of Certain Private or Exempt Information. In addition, pursuant to RCW 42.56.210(1), the District reserves the right to refuse disclosure and/or to delete identifying details when it makes available or publishes any public record, in any case when there is reason to believe that such disclosure would violate personal privacy or vital governmental interests protected by Chapter 42.56 RCW and applicable law. In general, a person's right of privacy is invaded or violated if disclosure about the person: 1) would be highly offensive to a reasonable person, and 2) is not of legitimate concern to the public. RCW 42.56.050.

7. Notice to Third Parties. If a public record contains personal information that identifies an individual or organization other than the subject of the requested public record, the District may notify that individual or organization to allow the third party to seek relief pursuant to RCW 42.56.540. The District may take this into account when providing an estimate for when the records will be available. The District should also review any contracts with third parties that may contain special notice provisions.

8. Review of Denials of Public Record Requests. Any person who objects to the denial of a request for a public record may request review of such decision by rendering a written request for review to the Public Records Officer. Immediately after receiving a written request for review of a decision denying a public record, the Public Records Officer shall refer it to the Superintendent / Administrator or, if the Superintendent / Administrator is the Public Records Officer, such request shall be referred to the Attorney for the District. The reviewer shall promptly consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

C. Exemptions:

1. List of Common Exemptions. After the District has gathered responsive records, the District will determine whether an exemption applies to all or part of the record. The District need not make available for inspection and copying Public Records exempt from public inspection and copying under Chapter 42.56 RCW and other records exempt from public inspection and copying under state or federal statute or regulation. A non-exclusive list of more common exemptions is attached as Appendix "B." While this list will be reviewed and revised from time to time to reflect any changes in RCW 42.56 RCW and other applicable law, the District shall be entitled to the exemptions for protected healthcare information as provided herein and any other exemptions from disclosure under state and/or federal law.

2. Requests for Health Care Information or Quality Improvement Information are exempt from public disclosure. When the District receives a Public Records Request for records containing Health Care Information, the Public Records Officer shall redact all such Health Care Information before the records are produced, except where authorized by law. See Appendix A, § II.B for examples of identifiable health care information that should be redacted.

3. Written Authorization. Certain Health Care Information may be released to a third party if the patient has executed an authorization that complies with RCW 70.02.030 and 45 CFR 164.508.

4. Commercial Use. The District is prohibited by statute from disclosing lists of individuals for commercial purposes.

D. Inspection of Records:

1. Notice. Once the Public Records Officer has collected all responsive records (or the first installment if the records are being produced on an installment basis), has reviewed the responsive records to remove exempt records, and has prepared an exemption log, the Public Records Officer shall notify the requestor that the records are available for inspection and/or copying.

2. Protection of Records. In order that Public Records maintained on the premises of the District may be protected from damage or disorganization as required by the Act, the following procedures and practices are hereby instituted:

(a) No Public Records shall be removed from District's premises without the Public Records Officer's permission;

(b) Inspection of any Public Records shall be conducted in the presence of the Public Records Officer or designated staff;

(c) No public record may be marked, defaced, torn, damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public;

(d) Public records maintained in a file jacket or binders, or in chronological order, may not be dismantled except for the purpose of copying, and then only by District staff; and

(e) Public records of the District may be copied only on the copying machines of the District unless other arrangements are made by the Public Records Officer.

3. Loss of Right to Inspect. Inspection shall be denied and the records withdrawn by the Public Records Officer if the Requester, when reviewing records, acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the District.

4. Withdrawn or Abandoned Requests. The District may consider a request abandoned and close a request when the requestor either withdraws their request or fails to fulfill their obligations in the processing of the request. The District may consider a request abandoned in the following circumstances:

- (a) If an entire request is unclear, and the requestor fails to clarify the request within 30 days of the District's request for clarification;
- (b) If the requestor fails to inspect records within 30 days of being notified that records are available for inspection;
- (c) If the requestor misses an appointment to inspect records and fails to contact the District within 30 days of the missed appointment;
- (d) If the requestor fails to view records within 30 days of being notified that records are available for electronic inspection;
- (e) If the requestor fails to pick up records at the District within 30 days of being notified that the records are available for in-person pick-up; or
- (f) If the requestor fails to pay a deposit or the final payment for the requested copies of records within 30 days of receiving an invoice from the District for payment thereof.

5. Closing the File. Once all copies of requested records have been provided to the requester, the requester has reviewed the requested records, or the request has been abandoned or withdrawn, the Public Records Officer shall treat the request as closed and notify the requester that request has been completed and / or the file closed.

E. Copying Public Records

No fee shall be charged for the inspection of Public Records or for locating public documents and making them available for copying.

1. Copies of non-medical records. For records not containing Health Care Information, the District will charge one or more of the following charges in accordance with RCW 42.56.120(2) including, but not limited to:

- (a) Fifteen cents per page for standard 8 1/2" x 11" black-and-white copies.
- (b) Ten cents per page for use of agency equipment to scan public records onto an electronic format.
- (c) If electronically produced copies are being provided by email or through the public records portal, cost for the records will be in accordance with RCW 42.56.120(2). There will be no charge for transmitting electronic records to a requestor, unless another cost applies such as a scanning fee.
- (d) The actual cost of any digital storage media or device provided by the District, the actual cost of any container or envelope used to mail the copies to the requestor, the actual postage or delivery charge and any long distance fax transmission charges.

- (e) If a request requires the use of a commercial copy service, including but not limited to large-copy projects, color copies, and oversized copies, the costs for copies will be the actual cost of the copies charged by such outside vendor plus applicable taxes.
- (f) As an alternative to the default charges in (a) through (e) above, the District may charge a flat fee of up to \$2 per request if the it reasonably estimates and documents that the costs are equal or more than \$2. This flat fee can only be charged once per request and not per installment.

2. Copies of Records Containing Health Care Information. If a request for Health Care Information is made pursuant to chapter 70.02 RCW, rather than the Public Records Act, the charges are governed by 45 CFR 164.524 and are limited to a reasonable, cost-based fee that only includes the cost of:

- (a) Copying, including the cost of supplies for and labor of copying, the protected health information requested by the individual;
- (b) Postage, when the individual has requested the copy, or the summary or explanation, be mailed; and
- (c) Preparing an explanation or summary of the protected health information, if agreed to by the individual as required by 45 CFR 164.524(c)(2)(ii).
- (d) If the provider personally reviews confidential information from the record with the patient, as required by statute, the provider can charge the usual fee for a basic office visit.

3. Supplemental Schedule of Charges. The Superintendent / Administrator may from time to time review and revise and publish an updated schedule of copying charges which shall be available in the administrative office.

4. Waiver. The Public Records Officer may elect to waive these fees. Fees may be waived when the expense of billing exceeds the cost of copying and postage.

5. Deposits. Before copying any record, the District may charge a deposit up to 10% of the estimated costs. When records are being produced on an installment basis, the District may charge for each installment. If an installment is not claimed and paid for within fifteen (15) days, the District is not obligated to fulfill the balance of the Records Request.

6. Public Records Request File. A copy of each request for inspection or copies of public records shall be retained in the District's files along with a copy of the documents produced and a copy of the exempt records withheld. A log should be made indicating the basis for the claim of exemption for each record or portion thereof withheld.

F. Index of Public Records

The District finds that it would be unduly burdensome and would interfere with District operations to maintain an index of records. The District will make available for public disclosure all indices maintained for District use.

G. Disclaimer of Liability

Neither the District nor any officer, employee, official or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of Public Records if the person releasing the records acted in good faith in attempting to comply with this policy.

This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms such as “shall” or “will,” nothing in this policy is intended to impose mandatory duties on the District beyond those imposed by state and federal law.

Appendix "A" – Public Records Request Form

PUBLIC RECORDS REQUEST FORM

Request Date: _____

Response Due: _____

(Request Date + 5 business days)

It is our policy that ALL records are available for public disclosure unless specifically exempted. This form will be used to expedite requests and insure compliance with our policy and Washington State public disclosure laws.

REQUESTOR: (Please Print)

Name: _____ Phone: _____

Address: _____ City: _____ ST: _____ Zip: _____

Email: _____

Describe the Records or Information Requested:

1. _____

2. _____

3. _____

4. _____

I, the undersigned, do declare: I understand the use of public documents containing lists of individuals for commercial purposes violates Washington State law and the privacy of the individuals. "Commercial purposes" means contacting or affecting such individuals to facilitate, in any manner, for a profit-making activity. Therefore, I agree not to use the information requested nor allow others to use it for such purposes.

Requestor's Signature: _____

Date: _____

RESPONSE: (Response MUST be made within 5 working days of request)

Record released by: _____ Date: _____

- _____ A. Record or information not available as requested.
- _____ B. Record or information available for inspection on _____ during normal working hours.
- _____ C. Copies available upon payment of copy fees totaling \$ _____. (\$.15 per page and/ or other charges)
- _____ D. Requested information not available at this time. Estimated availability in _____ days.
- _____ E. Unable to process request as described; please clarify request by being more specific.
- _____ F. Request denied – record or information exempt from Public Disclosure. Forward immediately to the District's Attorney for review.

Cite basis for denial: _____

Public Records Officer / Designee

Date

Appendix "B" Exemptions from Public Disclosure

I. Common Exemptions under the Public Disclosure Act

A. Personal Information

1. Student and Institutional Records

Statutory Provisions: Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients is exempt from disclosure. RCW 42.56.230(1).

2. Public Employee Records

Statutory Provision: Personal information in files maintained for employees, appointees, or elected officials of any public agency [are exempt from disclosure] to the extent that disclosure would violate their right to privacy. RCW 42.56.230(2).

"Privacy" as used in an exemption means] disclosure of information about the person: (1) Would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. RCW 42.56.050.

3. Public Employees' Home Addresses, Phone Numbers, etc.

Statutory Provision: The residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, driver's license numbers, identicard numbers, payroll deductions including the amount and identification of the deduction 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 [are exempt from disclosure]. For purposes of this subsection, "employees" includes independent provider home care workers as defined in RCW 74.39A.240. RCW 42.56.250(3).

4. Banking Information

Statutory Provision: Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers [are exempt from disclosure], except when disclosure is expressly required by or governed by other law. RCW 42.56.230(4).

B. Employment

1. Applicants for Public Employment

Statutory Provision: All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant [are exempt from disclosure].RCW 42.56.250(2).

2. **Human Rights Commission Complaints and Investigative Records**

Statutory Provisions: Information [is exempt from disclosure] 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; and (b) requests his or her identity or any identifying information not be disclosed. RCW 42.56.250(5).

Investigative records compiled by an employing agency conducting a current 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 [are exempt from disclosure]. RCW 42.56.250(6).

C. **Real Estate Appraisals**

Statutory Provision: Except as provided by chapter 8.26 RCW, the contents of real estate appraisals made for or by an agency relative to the acquisition or sale of property are exempt from disclosure until all of the property has been acquired or has been sold, or the project abandoned or three years from the date of appraisal, whichever occurs first. RCW 42.56.260.

D. **Research & Financial Data and Deliberative Process**

1. **Statutory Provision:** Valuable formulae, designs, drawings, and research data obtained by an agency within five years of the request for disclosure are exempt from disclosure when disclosure would produce private gain and public loss. RCW 42.56.270(1).

2. **Financial and Proprietary Information.** See RCW 42.56.270(2)-(32).

3. **Deliberative Process:**

Statutory Provision: Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended [are exempt from disclosure] except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action. RCW 42.56.280.

E. **Information Protected In Litigation:**

Statutory Provision: Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts [are exempt from disclosure]. RCW 42.56.290.

F. Health Professionals:

Statutory Provision [RCW 42.56.350]:

1. The federal Social Security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health is exempt from disclosure under this chapter. The exemption in this section does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations.

2. The current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department are exempt from disclosure under this chapter, if the provider requests that this information be withheld from public inspection and copying, and provides to the department of health an accurate alternate or business address and business telephone number. The current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department of health shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.56.070(9).

G. Health Care:

Statutory Provisions [RCW 42.56.360]:

1. The following healthcare information is exempt from disclosure under this chapter:
 - (a) Information obtained by the board of pharmacy as provided in RCW 69.45.090;
 - (b) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;
 - (c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, and notifications or reports of adverse events or incidents made under RCW 70.56.020 or 70.56.040, regardless of which agency is in possession of the information and documents;
 - (d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310.

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Except for published statistical compilations and reports relating to the infant mortality review studies that do not identify individual cases and sources of information, any records or documents obtained, prepared, or maintained by the local health department for the purposes of an infant mortality review conducted by the department of health under RCW 70.05.170; and

(g) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1).

H. Computer Security:

Statutory Provision: 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 to the extent that they identify specific system vulnerabilities. RCW 42.56.420(3).

II. "Other Statutes" Providing Exemptions / Prohibitions on Disclosure:

A. Medical Records and QAS/QC Committees:

1. Chapter 70.02 RCW [Health Care Information Act] applies to public inspection and copying of health care information of patients.

2. Quality improvement and medical malpractice prevention program items (including but not limited to information gathered pursuant to or protected by RCW 42.56.360, RCW 4.24.250, RCW 43.70.510, RCW 70.41.200, RCW 70.44.062, and RCW 74.42.640);

3. Medical records, except as allowed by the Health Care Information Act, chapter 70.02 RCW, The Health Insurance Portability and Accountability Act ("HIPAA"), Public Law No. 104-191, 110 Stat. 1936 (1996), and all applicable federal and state regulations.

4. Quality improvement, peer review, risk management and complaints relating to healthcare (including but not limited to information gathered pursuant to or protected by RCW 42.56.360, RCW 4.24.250, RCW 18.20.390, RCW 43.70.510, RCW 70.44.062, and RCW 74.42.640);

5. Records obtained by the District related to the impaired physician program pursuant to RCW 18.71.300 through .340; and,

6. Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095; and

B. Individually Identifiable Health Information:

1. Prior to making any Medical record or other public record available for copying or inspection, the District shall redact all Health Care Information. All "individually identifiable health information" as defined in 42 U.S.C. 1320d(6) and any information "that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care" under RCW 70.02.010 shall be redacted. Such information includes but is not limited to the following identifiers of the individual or of relatives, employers, or household members of the individual:

- (a) Names;
- (b) All geographic subdivisions smaller than a State, including street address, city, county, precinct, zip code, and their equivalent geocodes, except for the initial three digits of a zip code if, according to the current publicly available data from the Bureau of the Census: (i) The geographic unit formed by combining all zip codes with the same three initial digits contains more than 20,000 people; and (ii) The initial three digits of a zip code for all such geographic units containing 20,000 or fewer people is changed to 000.
- (c) All elements of dates (except year) for dates directly related to an individual, including birth date, admission date, discharge date, date of death; and all ages over 89 and all elements of dates (including year) indicative of such age, except that such ages and elements may be aggregated into a single category of age 90 or older;
- (d) Telephone numbers;
- (e) Fax numbers;
- (f) Electronic mail addresses;
- (g) Social security numbers;
- (h) Medical record numbers;
- (i) Health plan beneficiary numbers;
- (j) Account numbers;
- (k) Certificate/license numbers;
- (l) Vehicle identifiers and serial numbers, including license plate numbers;
- (m) Device identifiers and serial numbers;
- (n) Web Universal Resource Locators (URLs);
- (o) Internet Protocol (IP) address numbers;
- (p) Biometric identifiers, including finger and voice prints;
- (q) Full face photographic images and any comparable images;
- (r) Any other unique identifying number, characteristic, or code; and
- (s) Any information could be used alone or in combination with other information to identify an individual who is a subject of the information.

C. Executive Sessions under RCW 42.30.110:

1. Documents prepared for executive session, relating to the following subjects
(Note: One or more exemptions under the Public Disclosure Act may apply):

(a) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(b) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(c) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(d) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(e) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(f) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(g) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. This subsection does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection, "potential litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a) concerning: (A) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party; (B) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or (C) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency.

D. Privilege:

1. **Attorney-client privilege** under RCW 5.60.060(2)(a);

2. **Attorney work-product involving a "controversy,"** which means completed, existing, or reasonably anticipated litigation against the agency, commission or member thereof acting in an official capacity or legal risks involving the agency when disclosure would likely result in legal or financial consequence to the agency.

3. **Physician-patient privilege,** RCW 5.60.060(3)

4. **Communications made to a public officer in official confidence,** when the public interest would suffer by disclosure, RCW 5.60.060(5).

III. Reservation.

The foregoing is not intended to be a comprehensive list of potentially applicable exemptions. The District's Superintendent / Administrator may from time to time amend this list to include additional exemptions applicable to the District's operations.