

OSPI COMMON EXEMPTIONS CITED WITH THE RELEASE OF PUBLIC RECORDS

Type of Item	RCW or other exemption
Student information – privacy/identifiable	RCW 42.56.050(1)(2); 42.56.230(1) (2) and FERPA 20 U.S.C. § 1232g(b)(1); 34 CFR 99.3 and 99.30. FERPA protects student records by the exemption of <u>name identifiers</u> and “ <i>other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.</i> ” Small schools and communities require careful examination of records and exemptions to ensure privacy.
<ul style="list-style-type: none"> • Student name (first and last if needed to protect identify) 	
<ul style="list-style-type: none"> • Name of student’s parent, if the same or identifiable 	
<ul style="list-style-type: none"> • Student/parent home address 	
<ul style="list-style-type: none"> • Student/parent home phone number 	
<ul style="list-style-type: none"> • Student/parent personal cell • Student/parent home email address • DOB • Student ID number (district, state, and college) 	
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<ul style="list-style-type: none"> • Home address 	RCW 42.56.050(1) (2); 42.56.230(3); 42.56.250(3)
<ul style="list-style-type: none"> • Personal e-mail address 	
<ul style="list-style-type: none"> • Personal home phone number 	
<ul style="list-style-type: none"> • Personal cell phone 	
<ul style="list-style-type: none"> • SSN 	RCW 42.56.050(1)(2); 42.56.250(3); 42.56.230(3) and (5)
<ul style="list-style-type: none"> • Financial information (account numbers, transaction information, codes, driver’s license number) held for purposes of transactin2BC 6" # ë™` –lec#2.56.230(

	3); 42.56.250(3)
<ul style="list-style-type: none"> • Routine employee evaluations 	RCW 42.56.230(3)
<ul style="list-style-type: none"> • Resumes and employment applications including names of applicants (including all other related materials submitted with respect to an applicant) 	42.56.250(2)
<ul style="list-style-type: none"> • Emergency Contact 	42.56.250(3)
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federal crimes.” Under 8 USC § 1324a(b)(5), *Limitation on use of attestation form*, “A form designated or established by the Attorney General under this subsection and any information contained in or appended to such form, may not be used for purposes other than for enforcement of this chapter and sections 1001, 1028, 1546, and 1621 of title 18.” (emphasis added) The form referred to is the Form I -9. Title 18 addresses federal crimes

No need for agency to create record when one does not exist: WAC 44-14-0400(3) (5) and *Smith v. Okanogan County*, 100 Wn. App 7, 14, 994 P.2d 857 (2001). This also exempts OSPI having to hold open a request based on future records that may or may not exist. (e.g. request in 2013 for a 2015 Legislative Report).

Right to Privacy—42.56.050(1) (2):

A person's "right to privacy," "right of privacy," "privacy," or "personal privacy," as these terms are used in this chapter, is invaded or violated only if 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. The provisions of this chapter dealing with the right to privacy in certain public records do not create any right of privacy beyond those rights that are specified in this chapter as express exemptions from the public's right to inspect, examine, or copy public records.

Directory information—42.56.070(9):

This chapter shall not be construed as giving authority to any agency, to give, sell or provide access to lists of individuals requested for commercial purposes, PROVIDED, HOWEVER, that lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board (see entire citation).

Test Questions—42.56.250(1):

Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

Applications/resume—42.56.250 (2):

All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant. **State employee and volunteers-Personal**

information: 42.56.250(3)

The residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, 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 that are held by any public agency in personnel records, public employment related records, or volunteer rosters.

Identification of an agency employee-42.56.250(4): (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 (Discrimination/Human Rights Commission) against the person; and (b) requests his or her identity or any identifying information not be disclosed;

Investigative records 42.56.250(5) (for discrimination/Human Rights Commission) compiled by an employing agency conducting an active and ongoing investigation of a possible unfair practice under chapter

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Courtesy notification of people affected by a request for records—[42.56.540](#): It is the OSPI process to notify in writing persons/companies