

The Public Records Act (PRA), Title 42.56 RCW, outlines numerous exemptions from public disclosure applicable to various government entities. In addition to the exemptions detailed in the PRA, there are other statutory exemptions from disclosure applicable to records generated by insurance companies, or held by the Office of the Insurance Commissioner. This chart is designed to identify other statutes and laws barring disclosure that are often applicable to OIC records. While this list is not intended to be comprehensive, or absolute, it is the OIC's intention that this list will help the public and the industry understand the OIC's most commonly cited exemptions from public disclosure or OIC records and information.

<b>Statutory Basis</b>	<b>Exemption</b>	<b>Likely document types</b>	<b>Possible document owner</b>	<b>Explanation</b>
RCW 5.60.060(2)	Attorney/Client Privileged Communications	Memos, emails, letters, or other correspondence with the Attorney General's Office, or a Special AAG	Any OIC employee who has worked with the Attorney General's Office.	Attorney/client privileged communications include written advice from the AGO to the OIC, information provided to the AGO, and communications between the OIC and the AGO. The OIC will consult with the AGO to review potentially privileged documents, and determine whether waiver of the privilege will have a detrimental impact on the OIC, or the public. The decision to waive this privilege rests with the OIC.
RCW 19.108.010(4)	Trade Secret	Company documents marked as proprietary, trade secret, or confidential	Company Supervision, Rates, Forms & Provider Networks (RFPN), Fiscal, Consumer Advocacy, Licensing & Oversight, Legal Affairs, CIU, EMT	The definition of a trade secret found in RCW 19.108.010(4), rests on facts that are unlikely to be known to the OIC. If, after a review of the responsive records, the OIC determines it has insufficient information to assert the trade secret exemption, it will notify the original owner of the record, and provide a reasonable opportunity for the original owner to seek relief from the court, should they so choose.
RCW 42.56.230(3)	Personnel Information	Personnel files	HR	Personal information in personnel files, to the extent

				that disclosure would violate an employee's right to privacy.
RCW 42.56.230(5)	Personal Financial Information	Consumer complaints, company records	Company Supervision, Consumer Advocacy, SHIBA, Licensing & Oversight, Legal Affairs, Investigations, Fiscal	Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, and other bank or financial information (see RCW 9.35.005).
RCW 42.56.240(1)	Investigative Records	Ongoing investigation records	Legal Affairs, Investigations, CIU, Licensing & Oversight, Consumer Advocacy	If the investigation is ongoing, records essential to effective law enforcement, or protection of a person's right to privacy. For criminal investigations done by CIU, the entire case file will generally be withheld until the investigation is closed.
RCW 42.56.240(2)	Crime Victim Records	Investigation files	Legal Affairs, Investigations, CIU, Consumer Advocacy	Information revealing the identity of persons who are witnesses, victims, or complainant, if 1) disclosure would endanger any person's safety, or property; or 2) at the time a complaint was filed the complainant, victim, or witness requested nondisclosure.
RCW 42.56.250(1)	Test Questions, Scoring Keys and Examination Data	Applicant and test files	Licensing & Oversight	Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.
RCW 42.56.250(2)	Applications for Employment	Recruiting and Personnel files	HR	Applications for public employment, including names of applicants, resumes and other materials.

RCW 42.56.250(3)	Employee and Volunteer Information	Personnel files	HR	Residential address, residential and wireless phone numbers, personal email address, date of birth, social security number and emergency contact information of public agency employees, volunteers, and their dependents, plus name and date of birth of dependents.
RCW 42.56.250(4)&(5)	Discrimination Claims	Personnel files	HR	Identifying information of employee seeking advice regarding a possible unfair practice or employment discrimination, if employee requests it not be disclosed; investigative records of an active and ongoing unfair practice or employment discrimination investigation.
RCW 42.56.270(1)	Vendor Information	Records from vendors, contractors, and consultants	Fiscal, IT, Policy, SHIBA, other divisions or units with vendor contracts	Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by the OIC within the last five years if disclosure would produce private gain and public loss.
RCW 42.56.280	Preliminary Drafts	Draft reports, recommendations, memos, notes, policies, or other records expressing opinions or policies	Legal Affairs, Operations, Company Supervision, Policy, Hearings, EMT	Drafts of opinions and policy decisions that have not been finalized, or cited in connection with other agency action, are exempt from disclosure. Once a decision or conclusion has been made by the OIC, drafts are generally destroyed as transitory records. In the event a final decision has been adopted,

				drafts that have not been deleted will be produced.
RCW 48.02.065(5)	NAIC, Law Enforcement, and Other Regulatory Agency Records	NAIC documents and working papers, records from other state and federal agencies, law enforcement records	RFPN, Company Supervision, Legal Affairs, CIU, EMT	Records from NAIC, law enforcement, and other state and federal regulatory agencies that are considered confidential under the laws applicable to the original owner of the records.
RCW 48.02.065(6)	Financial and Market Conduct Exam Papers	Financial and Market Conduct exam work papers, company records	Company Supervision, Licensing & Oversight	Working papers created or information and records gathered in the course of a financial or market conduct exam, unless cited in connection with agency action.
RCW 48.02.120(3)	Actuarial Formulas, Statistics, and Assumptions	"Not-for-public" rate and form filings	RFPN	Actuarial formulas, statistics, and assumptions that are included in "not for public" rate filings, or submitted at the request of the OIC, and marked as confidential.
RCW 48.03.040(6)(a)	Examination Report	Examination reports	Company Supervision, Investigations, Licensing & Oversight	Examination reports are confidential, except to person examined, until five days after the adoption of the examination.
RCW 48.03.050	Examination or Investigation Report	Examination or investigation reports	Company Supervision, Investigations, Licensing & Oversight	Examination and investigation reports may be withheld as long as the Commissioner deems it advisable.
RCW 48.05.385	Actuarial Work Papers	Documents provided in support of the	RFPN, Company Supervision, Legal Affairs	Actuarial reports, work papers, or actuarial opinion summary provided by an insurance company in support of its

		State of Actuarial Opinion.		Statement of Actuarial Opinion filed with the company's annual report.
RCW 48.05.465	Risk Based Capital Reports	Financial exam papers	Company Supervision, RFPN	All RBC reports, RBC plans, and any corrective order that addresses an RBC report.
RCW 48.05.510(4)	Reports of Material Transactions	Material acquisitions and dispositions of assets reports	Company Supervision	Reports required by RCW 48.05.510-535, filed with the commissioner, disclosing material acquisitions, dispositions of assets, non-renewals, cancellations, or revisions of ceded reinsurance agreements.
RCW 48.17.595(6)	Termination of Business Relationship	Termination report	Investigations, Legal Affairs	Information obtained by the commissioner relating to the insurer terminating a business relationship with an insurance producer or title insurance agent.
RCW 48.19.040(5)(b)	"Usage-based insurance" Filings	"Usage-based insurance" automobile insurance rate filings	RFPN	Information in a "usage-based insurance" rate filing about the usage-based component of the rate.
RCW 48.30A.060	Insurance Carrier Antifraud Plans and Reports	Antifraud reports and plans	Company Supervision, CIU, Licensing & Oversight	Insurer antifraud plans, reports, and summary of the insurer's antifraud activities.
RCW 48.135.060(3)	Insurance Investigative Records	Investigative files, law enforcement records	Licensing & Oversight, CIU, Legal Affairs, Investigations	Intelligence information and investigative records compiled by investigative, law enforcement, and penology agencies, the fraud program of the office of the insurance

				commissioner, and professional disciplinary agencies, when nondisclosure is essential to effective law enforcement or for the protection of any person's right to privacy.
RCW 48.135.060(4)	Witness or Victim Identity	Investigative files, law enforcement records	Licensing, CIU, Legal Affairs, Investigations	Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with the fraud program of the office of the insurance commissioner, if disclosure would endanger any person's life, physical safety, or property.
RCW 48.31.405	Supervision Proceeding Records	Exams, investigative files	Company Supervision, CIU, Legal Affairs, Hearings	Records of proceedings, hearings, notices, correspondence, reports, records, and other information in the possession of the commissioner relating to the administrative supervision of any insurer.
RCW 48.31C.130	Health Carrier Acquisition or Examination Papers	Acquisition documentation	Company Supervision, Hearings	Confidential proprietary and trade secret information provided to the commissioner relating to the acquisition, registration, or related examinations of a health carrier.
RCW 48.37.080(1)	Market Conduct Oversight Papers	Market conduct examination papers, market analysis papers	Company Supervision	All data and documents created or obtained in the course of a market conduct action, examination, or analysis.

RCW 48.37.080(3)	Compliance Self Audit	Insurance compliance self- evaluative audit documents	Company Supervision	Insurance compliance self- evaluative audit documents.
RCW 48.43.730	Provider Contracts Compensation Agreements	Provider contracts including compensation	RFPN	Provider compensation agreements filed as "not for public" in SERFF.
RCW 48.43.200	Reports of Material Transactions (Health Plans)	Reports of material transactions	Company Supervision	Health plan reports disclosing material acquisitions and dispositions of assets or material nonrenewals, cancellations, or revisions of ceded reinsurance agreements.
RCW 48.44.530	Reports of Material Transactions (HCSCs)	Reports of material transactions	Company Supervision	Health care service contractor reports disclosing material acquisitions and dispositions of assets or material nonrenewals, cancellations, or revisions of ceded reinsurance agreements.
RCW 48.46.600	Reports of Material Transactions (HMOs)	Reports of material transactions	Company Supervision	Health maintenance organization reports disclosing material acquisitions and dispositions of assets or material nonrenewals, cancellations, or revisions of ceded reinsurance agreements.
RCW 48.74.025(4)	Qualified Actuary Opinion Supporting Documents	Life insurance	RFPN	Memorandum and other material supporting a qualified actuarial opinion provided by life insurance companies that have not been cited in marketing, before any other governmental agency, or released to the media.

RCW 48.94.010(6)	Reinsurance Intermediary License Refusal Summaries	Reinsurance Intermediary license refusal summaries	Licensing, CIU, Legal Affairs	Summaries prepared per written request of commissioner's basis for refusal to issue reinsurance intermediary license.
RCW 48.110.040	Service Contract Provider Financial Reports	Service contract provider monthly reports	Company Supervision	Service contract providers' monthly financial reports that are filed with the commissioner as part of an investigation.
RCW 48.140.040(3)	Medical Malpractice Statistical Summaries and Closed Claim Reports	Individual closed claim reports or documents involved with medical malpractice claims	RFPN	Information that could identify a claimant, health care provider, health care facility, or self- insurer involved in a medical malpractice claim.
RCW 82.32.330(2)	State Tax Returns and Tax Information	State tax return and supporting documents	Company Supervision, RFPN, Fiscal	Tax returns, information returns or claims for refund. Tax information includes: a taxpayer's identity, including name, address, telephone number, and registration number, the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability deficiencies, over assessments, or tax payments, other data received by, recorded by, prepared by, furnished to, or collected by the department of revenue concerning the existence or amount of a tax liability.



26 USC 6103	Federal Tax Information	Federal Tax returns or federal tax return information	Company Supervision, Legal Affairs, Fiscal, Consumer Advocacy, Investigations	Federal tax returns and related forms, and information contained in those forms.
Gramm-Leach-Bliley Act, 15 USC §§ 6801-6809	Nonpublic Personal Identifiable Financial Information	Documents from insurers containing consumer information.	Company Supervision, Consumer Advocacy, SHIBA, Legal Affairs, CIU	Documents provided by insurance companies, containing nonpublic personal identifiable financial information. This includes information: 1) provided by a consumer to an insurance company; 2) about a consumer resulting from a transaction; or 3) that a financial institution obtains about a consumer. This includes names, addresses, phone numbers financial, and account information.
RCW 48.02.068	Nonpublic Personal Health Information	Nonpublic personal health information obtained by, disclosed to or in the custody of the insurance commissioner	Consumer Advocacy, SHIBA, Legal Affairs, CIU, Investigations, Licensing & Oversight, HR	Nonpublic health information about a patient, policyholder or enroll that relates to past, present or future physical, mental or behavioral health or condition of an individual, provision of health care to an individual, or payment for the provision of health care to an individual.