

## Legal Exemptions Used by KCHA which are Located Outside the PRA

Pursuant to RCW 42.56.070(2), the King County Housing Authority publishes and maintains this list containing every law, other than those listed in the Public Records Act, that KCHA believes exempts or prohibits disclosure of specific information or records of the agency.

KCHA's failure to list an exemption shall not affect the efficacy of any exemption.

Redacted or Withheld Information	Legal Exemption Citation
<b>Program Participant Personally Identifiable Information</b>	The Federal Privacy Act of 1974, as amended, 5 U.S.C. § 552a and other statutes found within the Public Records Act prohibit the King County Housing Authority (KCHA) from disclosing personally identifiable information of program participants, including but not limited to name, address, email address, and phone number. Attachments that include tenant information may be withheld in their entirety.
<b>Driver's License Number</b>	The Driver's Personal Protection Act, 18 U.S.C. § 2721 and other statutes found within the Public Records Act prohibit disclosure of personal information, including driver identification numbers, in state DMV records except in specified circumstances.
<b>Attorney Client Privileged Communications, Information, and Records</b>	Pursuant to RCW 5.60.060(2)(a), communication between KCHA and an attorney for the purpose of obtaining or providing legal advice is exempt. Communication between employees of KCHA for purposes of gathering information to obtain legal advice or convey attorney/client communications is exempt. Communications between attorney and KCHA that reveals opinions/impressions of attorney or information prepared, collected, assembled in litigation or anticipation of litigation or related to client advice is exempt. Drafts/notes/memoranda, research regarding opinions/impressions of attorney or attorney's agent prepared, collected, assembled in litigation or in anticipation of litigation or in anticipation of litigation or related to client advice is exempt.

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<b>Work Product</b>	CR 26 (b)(4) prohibits KCHA from disclosing records that are relevant to a controversy to which KCHA is a party, but which records would not be available to another party under the rules of pretrial discovery. Work product includes information gathered by a representative of KCHA for legal research, theories, opinions, and conclusions.
<b>EEOC Records</b>	Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5(b) and 42 U.S.C. § 2000e-8(e), and 29 C.F.R. § 1601.22 prohibits public disclosure of information regarding a charge of discrimination filed with the Equal Employment Opportunity Commission and prohibits the King County Housing Authority from releasing identifying information concerning charging parties, subjects, and witnesses.
<b>Board Executive Sessions</b>	Pursuant to RCW 42.23.070(4) & RCW 42.23.020(2), discussions during executive sessions of the KCHA Board of Commissioners are not to be disclosed as disclosure would violate Code of Ethics of Municipal Officers and Attorney General Opinion 2017 No. 5 (confirming legal obligation not to disclose information discussed in executive session and that disclosure would violate the Code of Ethics for Municipal Officers and could also constitute a misdemeanor offense under RCW 42.20.100 or official misconduct under RCW 9A.80.010).
<b>Employee Driving Record Abstract</b>	RCW 46.52.130(4) prohibits the release of an abstract of a person's driving record to a third party except as expressly permitted.
<b>Employee Family Medical Leave Act Records</b>	Pursuant to RCW 50A.05.020(4) and RCW 50A.20.030(2)(b), information contained in files and records pertaining to an employee under the FMLA are confidential and not open to public inspection or disclosure.

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<b>Health Care Information</b>	Chapter 70.02 RCW and other statutes found within the Public Records Act prohibit KCHA from disclosing health care information including mental health care information without the patient's consent or by statutory authority provided in RCW 70.02.050, or 70.02.200 through 70.02.240.
<b>Medication Prescriptions</b>	Pursuant to RCW 18.64.245, medication prescription records are exempt from disclosure.
<b>Public Assistance Records</b>	Pursuant to RCW 74.04.060(1) and other statutes found within the Public Records Act, KCHA is prohibited from disclosing public assistance records which are confidential and not open to public inspection or disclosure.
<b>SSN</b>	The Federal Privacy Act of 1974, as amended, 5 U.S.C. § 552a and other statutes found within the Public Records Act prohibit KCHA from disclosing a person's social security number.
<b>EIV Information</b>	The Federal Privacy Act of 1974, as amended, 5 USC § 552a(b) prohibits KCHA from disclosing information obtained through HUD's Enterprise Income Verification (EIV) System and any other information obtained for the purpose of determining eligibility and level of assistance for a rental assistance program for any reason unless authorized by the tenant in writing. (See HUD Notice PIH 218-18, Sec. 18, Disclosure of an Individual's EIV Information.)
<b>Criminal Records Check</b>	The Washington State Criminal Records Privacy Act prohibits KCHA from publicly disclosing criminal history and/or background records obtained, except as described in RCW 10.97.050.