STATE OF WASHINGTON

2026 ANNUAL REPORT

PUBLIC RECORDS EXEMPTIONS ACCOUNTABILITY COMMITTEE
"SUNSHINE COMMITTEE"

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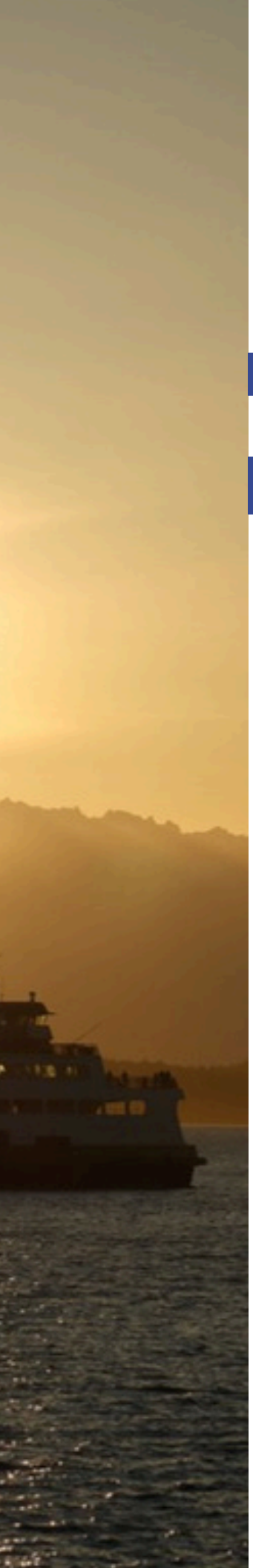
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PUBLIC RECORDS EXEMPTIONS ACCOUNTABILITY COMMITTEE

"SUNSHINE COMMITTEE"

November 2026

SUMMARY

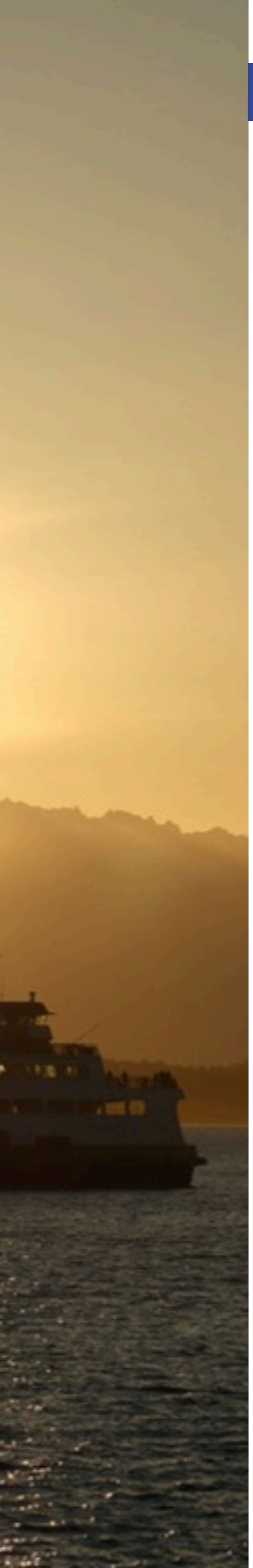
During 2026, the Public Records Exemptions Accountability Committee (Sunshine Committee or "Committee") held four quarterly hearings to review forty-five (45) public records disclosure exemptions. Of those forty-five public records disclosure exemptions, the Committee voted unanimously to retain forty-three (43) public records disclosure exemptions unchanged and voted unanimously to eliminate two (2) public records disclosure exemptions, both for records once held by the Office of Insurance Commissioner (OIC).

These two public records disclosure exemptions that are recommended for elimination are for public records at the OIC that no longer exist.

RCW 42.56.400(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010 are for a study done for the legislature in 2010-11 by contracted third-party experts of small group health plans and association health plans for calendar years 2005 through 2008. Section 1, chapter 172, Laws of 2010 became law on June 9, 2010 and expired on September 10, 2011, and due to its short duration was never codified. The records collected for the study were destroyed no later than seven years after the study was completed by adherence to retention/destruction schedules. No public records currently exist subject to this disclosure exemption.

RCW 42.56.400(21) Data, information, and documents that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 are for public records associated with school districts or educational service districts contracting with benefit providers or unions for provision of employee benefits ending no later than December 31, 2019. All the records maintained for these contracts have been destroyed in line with seven-year retention schedules. There are no existing records subject to this public records disclosure exemption.

The Committee also requests that previous years' recommendations also be considered for potential legislation.



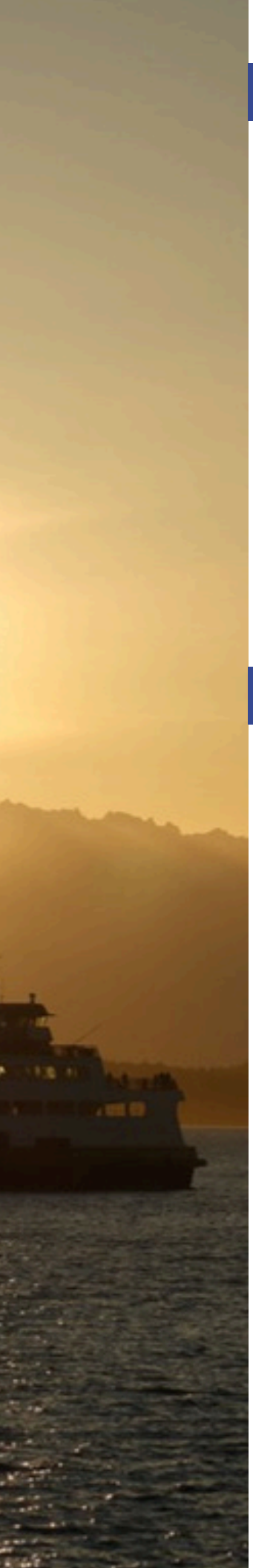
HISTORY OF THE COMMITTEE

The Sunshine Committee was created by Substitute House Bill 5435 in 2007 (codified in RCW 42.56.140). The bill established the Committee to review all exemptions from disclosure under the Public Records Act, RCW 42.56, and make recommendations 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 stated that considering the changing nature of information technology, record-keeping and the increasing number of public disclosure exemptions, periodic review of public disclosure exemptions is needed to determine if exemptions continue to serve the public interest. Further information about the Committee and its work is available to the public on the internet at https://www.atg.wa.gov/sunshine-committee.

The Committee typically meets four times each year. It posts its agenda for each meeting on the website, and when available, the video of the meeting is also posted. In addition, the website invites citizens to join a listserv, so they may receive notification when new material is posted. TVW, the state's public affairs television broadcaster, has filmed or recorded most of the meetings, and the website for the Committee contains links to the TVW website or the recording so the public can view previous meetings.

As required by the Legislature, the Committee has adopted and published criteria for reviewing exemptions. A copy of the Committee's criteria is available on the Committee website. The Committee receives an updated list of exemptions from the Office of the Code Reviser each year in August. A Schedule of Review is used by the Committee to organize its review activity. This schedule currently contains over 600 items and is posted on the Committee's website.

The Committee recognizes the importance of public comment and will continue to provide notice to the citizenry of the Committee's meeting agendas to encourage citizen participation and comment. The Committee receives staff assistance from the Attorney General's Office, as directed by the legislation establishing the Committee. The Legislature called for an annual report of the Committee's recommendations. This is the nineteenth annual report and re-summarizes the Committee's work since the November 2025 report was submitted.



MEMBERS OF THE COMMITTEE

The members are appointed to the Committee by the Governor, Legislature, Attorney General and State Auditor. The following individuals served on the Committee for part or all of 2026:

- **Rowland Thompson**, Vice Chair, Executive Director, Allied Daily Newspapers of Washington
- Representative **Larry Springer (D-45)**
- Representative **Rob Chase (R-4)**
- Senator **Sharon Shewmake (D-42)**
- Senator **Jeff Wilson (R-19)**
- **Zohaib Ali**, Vice President of Product and Tech, GEICO
- **Melissa Luck**, News Director, KXLY
- **Barbara Miner**, Former Director and Superior Court Clerk King County
- **Tricia Smith**, Director of Public Information & Records, Office of the Governor
- **Jennifer Steele**, Assistant Attorney General
- **David Zeeck**, Former Publisher, Tacoma News Tribune

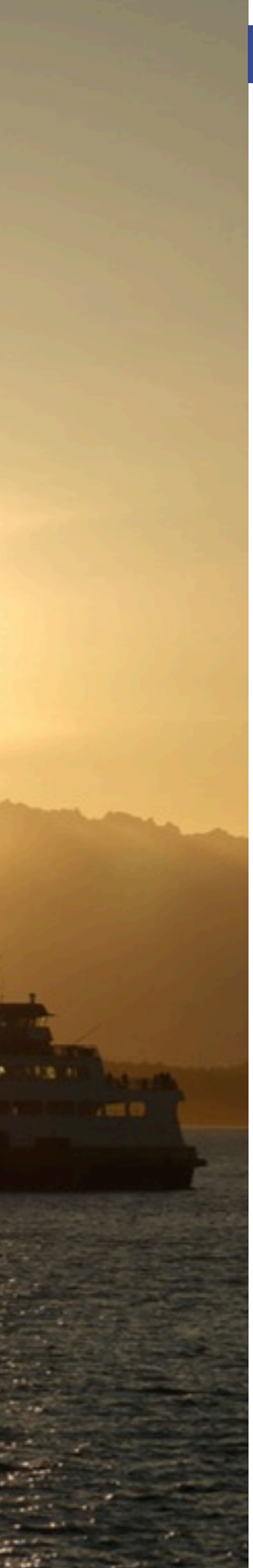
COMMITTEE PRACTICES AND PROCEDURES

The Committee held four meetings in 2026. The meetings were "hybrid," conducted in person on the Capitol Campus in Olympia, and accessible via Zoom for both Committee members and the public.

At each meeting, the Committee provided an opportunity for public comment and received some public comments through its website and by email. In addition, the Committee received testimony and documentary input from public agency representatives, interested stakeholders, and other parties.

The review process resulted in the recommendations set forth below. These recommendations are intended to improve statutory clarity in some instances and to protect both important privacy interests and appropriate public access to information.

A video recording of the meeting is available on the Committee's website: www.atg.wa.gov/sunshine-committee.



COMMITTEE RECOMMENDATION FOR 2026

After thorough review and discussion, the Committee unanimously recommends that the following two exemptions be eliminated:

- RCW 42.56.400(19) — Office of Insurance Commissioner (OIC)
  (No responsive records exist or will be created)

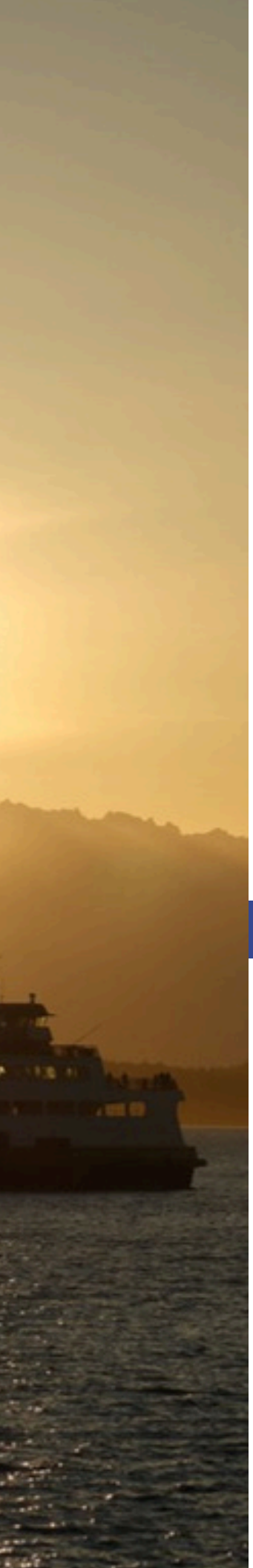
RCW 42.56.400(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010 are for a study done for the legislature in 2010-11 by contracted third-party experts of small group health plans and association health plans for calendar years 2005 through 2008. Section 1, chapter 172, Laws of 2010 became law on June 9, 2010 expired on September 10, 2011, and due to its short time duration was never codified. The records collected for the study were destroyed no later than seven years after the study was completed by adherence to retention/destruction schedules. No public records currently exist subject to this disclosure exemption.

- RCW 42.56.400(21) — Office of Insurance Commissioner (OIC)
  (No responsive records exist or will be created)

RCW 42.56.400(21) Data, information, and documents that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 are for public records associated with school districts or educational service districts contracting with benefit providers or unions for provision of employee benefits ending no later than December 31, 2019. All the records maintained for these contracts have been destroyed in line with seven-year retention schedules. There are no existing records subject to this public records disclosure exemption.

After thorough review and discussion, the Committee unanimously recommends that the below exemptions be continued without modification:

- RCW 42.56.240(9) — Investigative, law enforcement and crime victims
- RCW 42.56.240(11) — Investigative, law enforcement and crime victims
- RCW 42.56.250(7) — Employment and Licensing
- RCW 42.56.300(3) — Archaeological sites
- RCW 42.56.320(2) — Educational Information
- RCW 42.56.320(3) — Educational Information
- RCW 42.56.320(5) — Educational Information
- RCW 42.56.230(7)(c) — Investigative, law enforcement and crime victims
- RCW 42.56.240(13) — Employment and Licensing
- RCW 42.56.360(1)(f) — Health Care
- RCW 42.56.360(1)(h) — Health Care
- RCW 42.56.360(1)(k) — Health Care
- RCW 43.371.040 — Health Care
- RCW 43.371.050 — Health Care
- RCW 42.56.625 — Cannabis
- RCW 42.56.400(16) — Insurance & Financial Inst.
- RCW 42.52.400(17) — Insurance & Financial Inst.
- RCW 42.56.400(18) — Insurance & Financial Inst.
- RCW 42.56.400(20) — Insurance & Financial Inst.



- RCW 48.19.040(5)(b) Insurance & Financial Inst.
- RCW 42.56.400(22) Insurance & Financial Inst.
- RCW 42.56.400(23) Insurance & Financial Inst.
- RCW 42.56.400(24) Insurance & Financial Inst.
- RCW 42.56.400(25) Insurance & Financial Inst.
- RCW 42.56.410 Employment Security
- RCW 42.56.420(1) Security
- RCW 42.56.420(2) Security
- RCW 42.56.420(3) Security
- RCW 42.56.420(5) Security
- RCW 42.56.230(8) Personal Information
- RCW 42.56.440 Veterans' discharge papers
- RCW 42.56.470 Correctional industries workers
- RCW 42.56.615 Enumeration Data
- RCW 42.56.600 Mediation Communication
- RCW 7.68.080(9)(a) Health Care Records
- RCW 9.41.129 Concealed Pistols
- RCW 72.09.710 Crime Victims and Witnesses
- RCW 26.23.120(1) Child Support
- RCW 28C.10.050(2)(a) Higher Education
- RCW 46.12.635 Motor Vehicles, Transportation
- RCW 42.56.250(1)(m) Employment and Licensing
- RCW 42.56.390 Emergency or Transitional Housing
- RCW 5.60.060 Privileges

Because the recommendation is to continue these exemptions without modification, details on the review of these exemptions, including the submissions from stakeholders and committee members in support of each recommendation, are not included here but are available on the Committee website, in the interest of brevity.

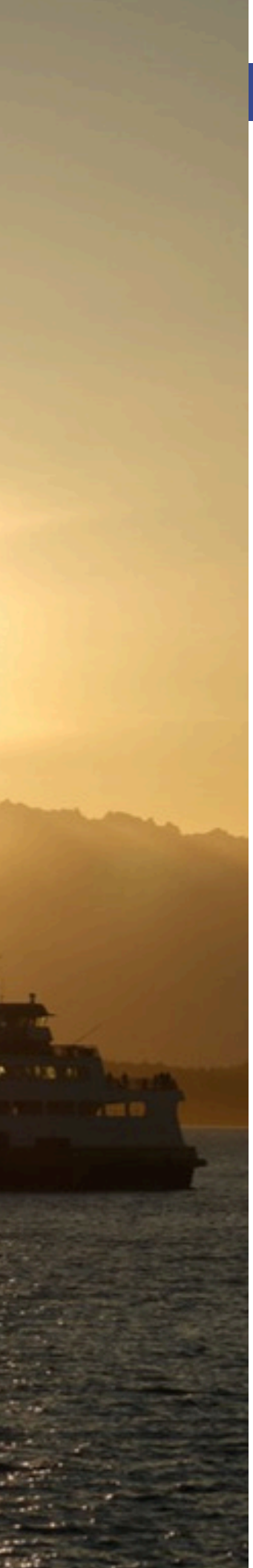
RECOMMENDATIONS FROM PAST ANNUAL REPORTS

The Committee voted unanimously to renew its recommendations from 2022 and 2021 that called for the modification or termination of exemptions. These are summarized below. Previous recommendations for continuing exemptions without modification, including those made in 2023, are not restated in this report.

In 2022, the Committee recommended modifying two exemptions. No member of the Legislature indicated interest in sponsoring legislation reflecting either of these recommendations. Therefore, the recommendations were not considered by the Legislature at any level.

In 2021, the Committee filed an annual report recommending modification to five exemptions and terminating seven exemptions. Several of the recommendations were supported by the interested agencies themselves and unanimously recommended by the members of the Committee. Despite that, none of the recommendations were adopted by the Legislature.

The recommendations that the Committee is renewing are set forth below.



FROM THE 2022 ANNUAL REPORT

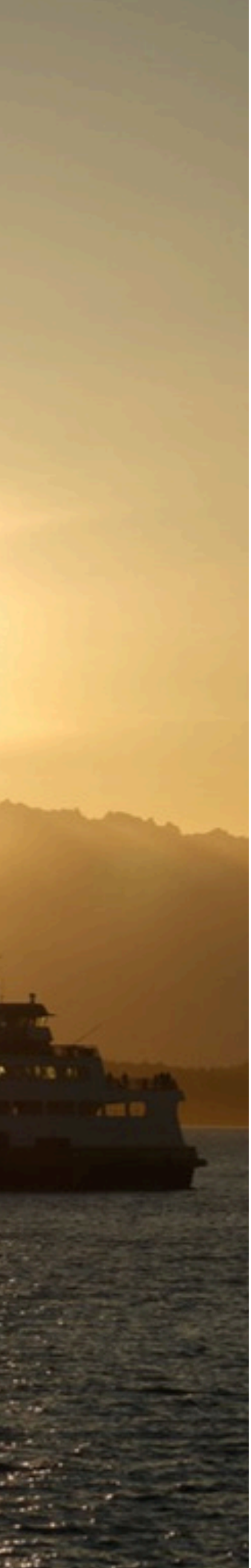
THE COMMITTEE RECOMMENDS MODIFICATION OF THE FOLLOWING EXEMPTIONS:

RCW 43.190.110—State Government, Long-term Care Ombuds. This statute provides that "[a]ll records and files of long-term care ombuds relating to any complaint or investigation . . . and the identities of complainants, witnesses, patients, or residents shall remain confidential unless disclosure is authorized by the patient or resident or his or her guardian or legal representative." The statute further provides that if consent is not provided by any of the witnesses, residents, etc., that no disclosure can be made unless it is done without disclosing the identity of such individuals.

The Committee was informed by the current director of the ombuds program that this statute is not applicable because the ombuds program is no longer administered by the state. Rather, pursuant to authorization in Chapter 43.190 RCW, the program is run by a private nonprofit organization which provides services under the United States Older Americans Act. As a result, disclosures by the program are governed by federal law, not the Washington State Public Records Act. The Committee noted that pursuant to the applicable federal statute, 42 U.S.C. 3058g(d), the ombuds (or designee) has complete discretion over whether any records are released. Washington law, as indicated above, does not give any discretion to the ombuds, but rather allows for disclosure if the interested parties either give consent or if their identities are not disclosed.

The Committee considered various options, including recommending repeal of RCW 43.190.110, recommending retaining as is, or modifying the statute with the intent of making a statement in favor of encouraging the maximum allowable disclosure because of the importance to the public of having information regarding the welfare and safety of residents in long-term care. After discussion of these options, the Committee voted unanimously to recommend modification of RCW 43.190.110 to provide that the state office of long-term care ombuds establish procedures for disclosure pursuant to 42 U.S.C 3058g(d) and that such procedures "provide for exercising discretion in favor of disclosure to the maximum extent consistent with federal law and the policies of Chapter 42.56. RCW." See Exhibit A of the 2022 Committee report for the complete text of the proposed amendment.

RCW 42.56.320(4)—Education, Gifts to Educational Entities. This statute provides an exemption for records not defined as public records in RCW 40.14.010 as follows: "[A]ny records or documents obtained by a state college, university, library, or archive through or concerning any gift, grant, conveyance, bequest, or devise, the terms of which restrict or regulate public access to those records or documents." The Committee considered this exemption at the August and October meetings and received input from the University of Washington, the University of Washington Libraries, Central Washington University, The Evergreen State College, and Washington State University. The Committee also heard from a communications professor and a student journalist at Western Washington University who advocated for the public's right to know the source of funds donated to public institutions of higher education.

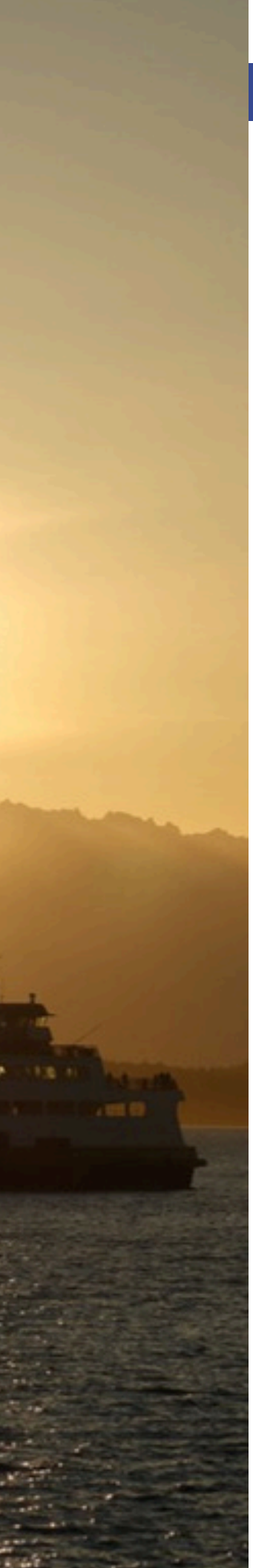


The issue that concerned the Committee members was whether this statute was being construed to provide anonymity for financial donors to the Washington state public institutions of higher education and, if so, if that was the intent of the legislature in enacting this statute. Further, the Committee was concerned about the issue of the public's right to know the source of funds received by public universities and colleges and any restrictions or conditions on those donations.

The University of Washington representatives indicated that their institution does not treat RCW 42.56.320(4) as providing anonymity for financial donors. They indicated that if a donor does not desire to have their identity publicized the university will honor that request but informs the donor that if an appropriate public disclosure request is received that would result in disclosing the donor's name, they will honor that request, but withhold other identifying information such as home address, telephone number, and email address. The remaining institutions all indicated that they do interpret RCW 42.56.320(4) as providing a legal basis to withhold the identity of a financial donor, if the donor requests that it be withheld. They also expressed concern that some donations would be lost if they could not guarantee anonymity for the donor.

The University of Washington Libraries' interest was with regard to conditions placed on donations of private documents and papers. The Committee felt that RCW 42.56.360(4) clearly provided for restrictions on such papers and had no issue with that application of the statute.

However, the Committee felt that RCW 42.56.360(4) presented ambiguities as to whether it was intended to provide anonymity for financial donors and if that ambiguity was resolved in favor of allowing such anonymity, whether that appropriately accounted for the public's legitimate interest in knowing the sources of funding of public institutions. Taking into consideration all the information received, the Committee reached consensus that the public's interest in knowing the source of public higher education funds and any restrictions or conditions on those funds, outweighed the donor's interest in anonymity. Therefore, to ensure that donor information would be available to the public upon request and to clear up any ambiguity, the Committee voted unanimously to recommend modification of this exemption. Please see Exhibit B of the 2022 Committee report for the exact language of the Committee's recommendation.



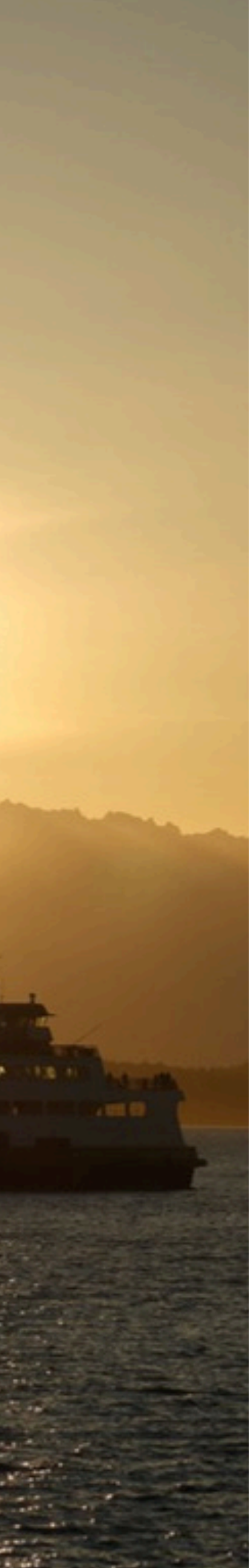
FROM THE 2021 ANNUAL REPORT

THE COMMITTEE RECOMMENDS MODIFICATION OF THE FOLLOWING EXEMPTIONS:

RCW 10.27.160—Criminal Proceedings and Information—Grand Juries. This statute authorizes a grand jury to prepare a report containing its conclusions, recommendations, and suggestions. The report is to be released to the public only upon a determination by a majority of the judges of the county superior court. The report may be released to the public only if "(1) the findings in the report deal with matters of broad public policy affecting the public interest and do not identify or criticize any individual; (2) release of the report would be consistent with the public interest and further the ends of justice; and (3) release of the report would not prejudice any pending criminal investigation or trial." The Committee felt that the requirement that the report "not identify or criticize any individual" made little sense in that almost any grand jury investigation would likely identify and, possibly, criticize individuals. Further, the other requirements adequately protect criminal proceedings and ensure that the matters are of public interest. Therefore, the Committee voted unanimously, with one abstention, to recommend modifying the statute to remove the language "and do not identify or criticize any individual." See Exhibit C of the 2021 Committee report for the proposed amendment.

RCW 27.53.070—Archaeological Records. This statute provides an exemption for information regarding the location of archaeological sites or resources. The Committee voted unanimously to recommend modification of this exemption for the sole purpose of clarifying the language of the exemption. The Committee's intention in doing so was not to reduce or change the protection from disclosure of this information. The Committee recognizes the importance of protecting archaeological sites from looting and depredation as set forth in RCW 42.56.300(1). See Exhibit D of the 2021 Committee report for the language of the proposed amendment.

RCW 46.52.065—Motor Vehicles and Transportation—Blood Samples. This statute requires the State Toxicologist to test blood samples taken from all drivers and pedestrians killed in traffic accidents where the death occurs within four hours of the accident. The statute also provides that the reports and records relating to analysis shall be reported to the WSP and made available to prosecuting attorneys and law enforcement. The results may be "admitted in evidence in any civil or criminal proceeding where relevant" and made available to the parties upon application to the court. After receiving input from the WSP, the Washington Defenders Association, and the Washington Association of Prosecuting Attorneys, the Committee on a split vote (7-1) recommends terminating this exemption by removing the term "confidential" and making the reports and records available to all parties to litigation where relevant. See Exhibit E of the 2021 Committee report for the amendments approved by the Committee.



RCW 46.52.080—Motor Vehicles and Transportation—Accident Reports. This statute provides for confidentiality of motor vehicle accident reports. The Committee voted unanimously to recommend modification of this exemption by adding language that would allow disclosure of accident reports upon redaction of identifying information. See Exhibit F of the 2021 Committee report for the additional language approved by the Committee.

RCW 46.52.120—Motor Vehicles and Transportation—Accident Records. Relates to records regarding motor vehicle accidents that the Department of Licensing (DOL) is required to maintain. Section (2) of the statute provides that such records shall be for the "confidential" use of the director, law enforcement officers and the traffic safety commission. On a split vote with five members approving and four abstaining, the committee voted to recommend modifying the statute by removing the word "confidential." See Exhibit G of the 2021 Committee report for the recommended amendment.

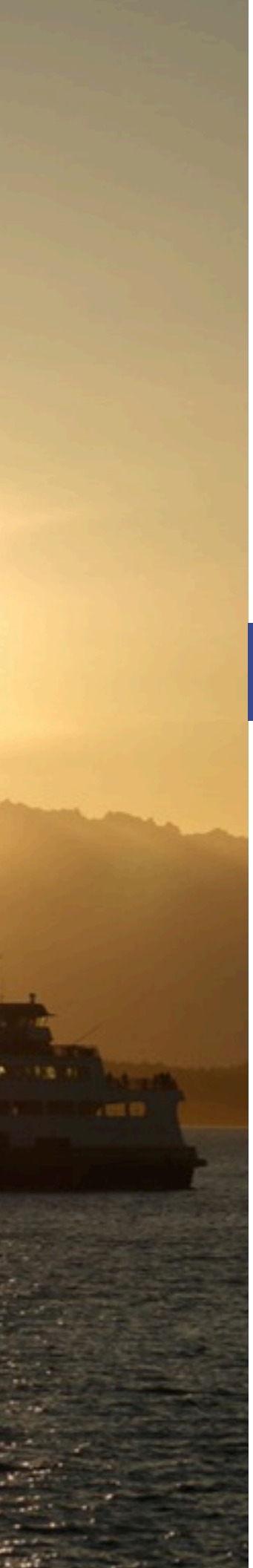
THE COMMITTEE RECOMMENDS TERMINATING FOLLOWING EXEMPTIONS:

RCW 18.46.090—Health Care—Birthing Centers. Establishes an exemption for information obtained by the Department of Health (DOH) regarding birthing centers. According to the DOH, such centers no longer exist, and this exemption is not needed. The Committee voted unanimously to recommend terminating this exemption by repealing the entire statute.

RCW 21.20.480—Financial Records—Investigative records regarding financial institutions. Input from the Division of Securities, Department of Financial Institutions, indicated the exemption contained in this statute was no longer necessary as they utilize the provisions of RCW 42.56.240(1) when dealing with requests for investigative records. In addition, most investigations of financial institutions are now handled at the federal level. The Committee voted unanimously to recommend repeal of the second sentence of the statute which restricts public disclosure of the fact that an investigation is being conducted under Chapter 21.20 RCW. See Exhibit H of the 2021 Committee report for the exact language of the recommended repeal.

RCW 24.03.435 and RCW 24.06.480—Financial Records. Provide confidentiality for answers to interrogatories propounded to nonprofit corporations by the Secretary of State. After consulting with the Secretary of State, it was determined that office no longer uses the procedures for issuing interrogatories to nonprofit companies set out in these statutes and, therefore, repeal of these two statutes is appropriate. The Committee voted unanimously to recommend terminating RCW 24.03.435 and RCW 24.06.480.

RCW 26.12.080—Family Court Proceedings. Grants authority to courts to order closure of family court files when the court determines that publication would be "contrary to public policy or injurious to the interests of children or to public morals." This statute is inconsistent with Washington Court rule GR 15 regarding sealing of court files and applicable case law. A court has authority to seal court files pursuant to GR 15 and case law, but only to the extent necessary to protect privacy interests and only after a hearing in which the court determines that the privacy interests outweigh the public interest. The Committee voted unanimously to recommend repeal of this statute.



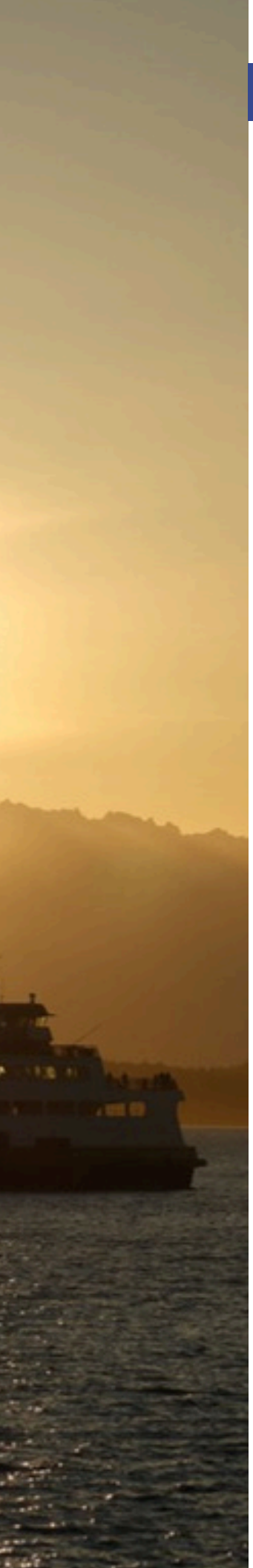
RCW 43.41.100—Financial Records. Relates to records provided to the Governor's Office by the Office of Financial Management. Both offices have indicated they have no objection to ending the exemption provided by this statute. Therefore, the Committee voted unanimously to recommend repeal of the exemption in RCW 43.41.100. See Exhibit I of the 2021 Committee report for the language to be repealed.

RCW 72.05.130(1)—Children's Records. Requires DSHS and the Department of Children, Youth, and Families to compile certain statistical information about children who are committed to institutions. Section (1) of the statute provides that this statistical information (which does not include identifying information for any child) shall not be disclosed except to the governor and superior court judges. This same statistical information is compiled pursuant to other statutes which require these agencies to do so and is routinely made available to the public. The agencies see no reason to retain this exemption. The Committee voted unanimously to recommend repeal of that portion of RCW 72.05.130(1) that restricts public disclosure. See Exhibit K of the 2021 Committee report for the exact language that the Committee recommends be repealed.

REQUEST FOR FUNDING FOR ADDITIONAL STAFF SUPPORT FOR THE COMMITTEE

When the Sunshine Committee was created by the legislature in 2007, no funding was provided for staff to assist the committee in its work. Since then, the Office of the Attorney General has supported the work of the committee from AGO funding, by staff who have other responsibilities and are not dedicated to support of the Committee, for such matters as setting up meetings, taking and producing minutes, formatting and publishing the annual report, and maintaining the Committee web page on the Attorney General's website. The Committee is grateful to the current and former Attorneys General for this support, and to the staff of the Office of the Attorney General who have provided this support over the years and continue to do so now.

However, the lack of staff dedicated to assisting the Committee in areas such as researching the background and impact of exemptions, outreach to stakeholders when exemptions are being reviewed, and drafting of recommendations, has meant that the important work of the Committee has not progressed as quickly as was originally hoped. The Committee therefore continues to **request that the Legislature provide ongoing funding to the AGO for a full-time dedicated research analyst position** to support the technical and legal work of the committee, in order to supplement the work done by the volunteer members of the committee.



LOOKING FORWARD

The Committee intends to meet four times in 2027. The meeting held during the first quarter of the year often occurs during the legislative session and has been difficult for the legislators who serve on the Committee to attend, so in 2027 it will be scheduled for a day and time after Sine Die is scheduled and is unlikely to conflict with any legislative committee meetings or floor action.

The Committee is currently seeking appointments to fill the empty Chair and three Members beyond appointment of a member from each of the four Legislative Caucuses.

The Committee will continue reviewing exemptions from public disclosure based on the age of the exemption and the lack of previous review. The Committee will focus on identifying ambiguities or other sources of confusion around exemptions that might result in disagreements between agencies and requesters and lead to PRA litigation, with the goal of making the PRA work well for everyone and minimize the cost of compliance.

The Committee hopes to work closely with the Legislature in the 2027 Session to discuss the Committee's recommendations and to facilitate implementation of the recommendations to the extent that the Legislature concurs. The Committee is hopeful that the Legislature will give its recommendations serious consideration in the 2027 session. In this regard, the Committee also recommends that the Legislature consider adopting various other recommendations made by the Committee over the past several years, many of which were approved unanimously by the members of the Committee, and many of which were introduced as bills, but not adopted.

In many instances in which the Committee has recommended termination or modification of an existing statutory exemption, the affected agency has agreed that the exemption was no longer needed. If the Legislature wishes to revisit any of these past recommendations, the Committee would be happy to provide additional information regarding them.

Respectfully submitted,

Rowland Thompson
Vice Chair of Public Records Exemptions Accountability Committee