

Public and Confidential Information Guidelines

Department of Revenue employees work with confidential taxpayer and business information every day. If any of this information is released to the public, besides being a possible violation of state law, it may be an infringement of the taxpayer's rights and privacy. The information could give another business an unfair advantage or cause a person or business serious financial injury. **Because of the seriousness of this issue, this publication was designed to give Department of Revenue employees a source for basic information about what information may be given to a requester and Revenue's process for releasing information.**

Public information

All records and information maintained by the Department of Revenue are considered public information under the Public Records Act. However, not all public records are disclosable to the public because of specific laws. The "Public Records Index," available on the Internet, lists the department's disclosable records, such as publications, forms, and manuals. In addition, the following business information (found on the DOR Business Lookup page) may be disclosed, if it is not associated with tax information:

- Tax Registration Number (TRN) or Unified Business Identifier (UBI) number.
- Name of owner and business.
- Address.
- Type of ownership.
- Opening and closing dates.
- North American Industry Classification System (NAICS) code.
- Standard Industrial Classification (SIC) code.

This information can be provided to anyone about any business on our database. All other information is considered confidential and may only be disclosed under certain circumstances.

Secrecy Clause

The Secrecy Clause is the law that prohibits Revenue employees from disclosing tax information about specific taxpayers to unauthorized people (RCW 82.32.330). This law also defines the circumstances when documents may be disclosed and to whom. All tax and tax return information is confidential and not disclosable to the public and without the taxpayer's permission or



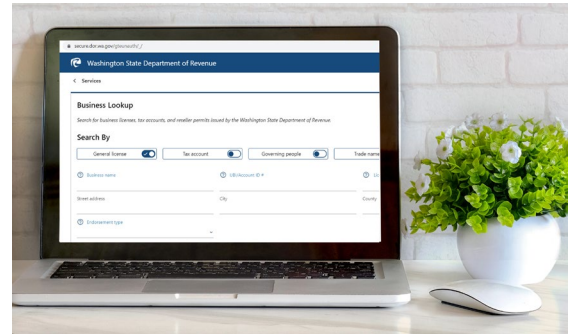
other statutory authorization. When you started working for the department, you signed a Tax and License Secrecy Clause Confidentiality Agreement. By signing the agreement, you acknowledge that you will protect the confidentiality of taxpayer.

Knowing the difference between disclosable and confidential information can help avoid costly mistakes and potentially damaging situations, for you, taxpayers, and the agency.

Requests for information

If the request is for disclosable information, as shown on the DOR Business Lookup page, you can provide the information by telephone, in writing, or by printing a copy of the information. You may refer requesters to the department's Public Records Index on dor.wa.gov. If the request is for information not on the DOR Business Lookup, it is considered confidential.

You must have the taxpayer's authorization or other statutory authority before providing confidential information to anyone. If the taxpayer or his/her representative asks for confidential information by telephone, you must verify the requester's identity and they are authorized to receive the requested information. If you cannot verify the requester's identity, ask them to put the request in writing or complete a Confidential Tax Information Authorization form and send it to you. You may respond based on the authorization.



If you receive a **subpoena** or other court order for information about a taxpayer, please consult with your supervisor. In most cases, you should forward the order to dorpublicrecords@dor.wa.gov. A subpoena or court order is generally not sufficient to get confidential information from the Department of Revenue. However, it depends on the circumstances.

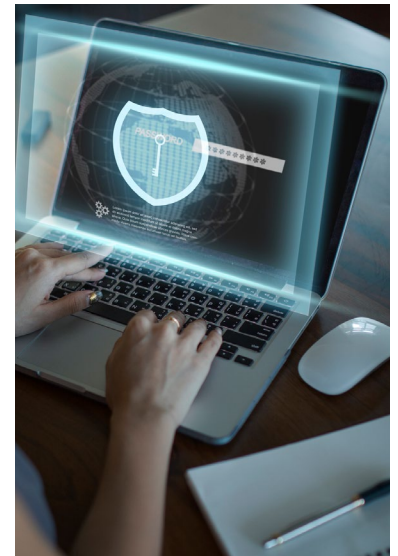
By law, public records requests must be answered within five working days from the date received by the agency. If you do not respond to the request yourself, it is extremely important to forward the request to dorpublicrecords@dor.wa.gov immediately, so it can be answered within the statutory time limit.

Data sharing agreements with other governmental agencies

The Department of Revenue may exchange tax information with other Washington state agencies, other states, and federal agencies, for official purposes (RCW 82.32.330). However, our policy is to have a data sharing agreement in place with the other agencies before disclosing any confidential tax information. This agreement ensures other agencies understands the confidential nature of the information and penalties for misuse. Not all agencies have entered into such agreements with us. Many of the agreements are set up so only a limited number

of people at the other agencies may request and receive confidential information. DOR's Data Sharing Administrator in the Information Governance Office keeps the list of agreements and authorized personnel.

If you are on our list of personnel authorized to give and receive confidential information to and from other agencies, your supervisor or lead person will advise you. You may **receive** information from anyone who wishes to give it to you. That does not violate our confidentiality laws. However, when someone from another agency **asks** you for confidential taxpayer information and you are unsure whether that person is authorized to receive such information, please ask your supervisor or contact DOR's Data Sharing Administrator.



Internal Revenue Service requests are treated differently. They must be referred to and answered by the Assistant Director of Audit or his/her designee.

Penalties for disclosing confidential taxpayer information

An employee who releases confidential information to a person not entitled to the information is guilty of a misdemeanor. The penalty may be a jail sentence of up to 90 days and/or a fine up to \$1,000. In addition, the employee could be terminated from their current position and barred from public employment in the state for two years.



As an employee of the Department of Revenue, you are responsible for protecting the privacy of Washington state taxpayers. If you have questions about releasing taxpayer information or want to know more about the department's public records policy, contact the Information Governance Office at 360-704-5741.