

WAC 132P-276-090 Review of denials of public records requests.

(1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the president of the college. The president or designee shall consider the college's obligation to comply with the intent of chapter 42.56 RCW, the exemptions provided in RCW 42.56.210 or other pertinent statutes, and the statutory provisions which require the college to protect public records from damage or disorganization, prevent excessive interference with essential college functions, and prevent any unreasonable invasion of personal privacy by deleting identifying details. The president or designee shall complete the review within two business days after receiving the written request for review of the decision denying a public record.

(3) Administrative remedies shall not be considered exhausted until the college has returned the petition with a decision, provided the requested record, or until the close of the second business day following denial of inspection has been reached, whichever occurs first.

(4) Whenever the college concludes that a public record is exempt from disclosure and denies inspection and copying, the requestor may request a review of the matter by the office of the attorney general or may file a lawsuit in superior court in the county where the agency record is maintained. A written request for review by the attorney general's office, along with a copy of the request and the college's written denial, should be sent to:

Office of the Attorney General
Public Records Review
P.O. Box 40100
Olympia, WA 98504-0100

The office of the attorney general will conduct a prompt and independent review of the request and the college's denial and provide a written opinion as to whether the record requested is exempt from disclosure. This review is not binding upon the college or the requestor.

[Statutory Authority: RCW 28B.50.140. WSR 09-24-049, § 132P-276-090, filed 11/24/09, effective 1/1/10; WSR 00-01-076, § 132P-276-090, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-090, filed 12/6/74.]